

SEEKING DEVIATIONS FROM SOUTH AFRICA'S TAX
TREATY POLICY WITH RESPECT TO TREATIES IN AFRICA:
EVIDENCE FROM THE TREATY PRACTICE

By

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ABSTRACT

Since South Africa was welcomed back into the international arena in 1994, there has been a significant increase in the number of tax treaties concluded between South Africa and other Sub-Saharan Africa countries, as part of South Africa's goal to expand into Sub-Saharan Africa (SSA).

The purpose of this dissertation is to determine whether these treaties concluded between South Africa and SSA countries have been influenced by South Africa's stated tax treaty policy, or have been guided by regional practices or to confirm whether South Africa's tax treaty practices have influenced any regional models.

This dissertation includes a detailed analysis of 18 tax treaties concluded between South Africa and other SSA countries. This analysis is used to identify any significant deviations in these treaties as compared to the OECD Model and the UN Model.

The SSA region has several economic organisations that have developed tax models to cater for treaty negotiations of developing countries. These models include the African Tax Administration Forum (ATAF) Model, the Southern Africa Development Community (SADC) Model and the East African Community (EAC) tax agreement.

The study observes that South Africa's tax treaty practise generally follows the OECD Model, but also incorporates certain provisions of the UN Model. The analysis of the 18 treaties as compared to the OECD Model identified 31 significant deviations to the OECD Model, and of these deviations, 22 (71%) align to the provisions of the UN Model.

These significant deviations were analysed to determine if they arose from South Africa's stated positions on the OECD Model, influenced by South Africa's domestic laws, or arose at the insistence of the other Contracting State, or from other factors.

The findings suggest that of the 31 deviations, the majority (80%) arise out of South Africa's positions on the OECD Model and from its domestic laws.

Further analysis was conducted to determine if these significant deviations were contained in the SSA regional tax models. The findings indicate that the SADC Model has the highest correlation as it includes 87% of these deviations, followed by ATAF (77%) and EAC (71%). An additional analysis, by country per regional body, was conducted on the deviations arising from South Africa's treaty practices. This analysis indicates that 80% of South Africa's treaty practices occur in the ATAF Model, 84% in the SADC Model, and 72% in the EAC Model. This analysis found that, on average, 82% of treaties concluded with ATAF member countries, 81% of SADC member countries and 89% of EAC member countries aligned to South Africa's treaty practices.

The high correlation to the SADC and ATAF Models indicates that South Africa's tax treaty practices have influenced the development of these regional models, and the high correlation between the treaties for each country and region, suggests that the majority of the treaties have been significantly influenced by South Africa's tax treaty practices.

Thus, the conclusion is that the majority of the significant deviations found in South African treaties concluded with Sub-Saharan African countries arise from the South African tax treaty practices which are generally based on the OECD model, with the inclusion of certain provisions of the UN Model. These deviations align with South Africa's position to the OECD Model and its domestic laws, which form the South African treaty practices. It is concluded that these treaty practices have significantly guided the SSA treaties and suggests that these treaty practices have influenced the Sub-Saharan African ATAF and SADC Models.

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LIST OF ABBREVIATIONS

Abbreviation	Meaning
ATAF	African Tax Administration Forum
ATAF Model	ATAF Model Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2016)
BRICS	Brazil, Russia, India, China, and South Africa
COMESA	Common Market of Eastern and Southern Africa
DRC	Democratic Republic of Congo
DTA	Double tax agreement(s), also called a tax treaty
EAC	East African Community
EAC Model	East African Community Income Tax Treaty (2010)
ECOWAS	Economic Community of West African States
GDP	Gross Domestic Product
IATA	International Air Transport Association
IBFD	International Bureau for Fiscal Documentation
IFA	International Fiscal Association
MAP(s)	Mutual Agreement Procedure(s)
NCOP	National Council of Provinces
OECD	Organisation for Economic Co-operation and Development

Abbreviation	Meaning
OECD Model	Organisation for Economic Co-operation and Development Model Tax Convention on Income and on Capital (2014)
PE	Permanent Establishment
POEM	Place of Effective Management
SA	South Africa
SSA	Sub-Saharan Africa
SADC	Southern African Development Community
SADC Model	SADC Model Tax Agreement on Income (Sept. 2011)
SAICA	South African Institute of Chartered Accountants
SARS	South African Revenue Service
SCOFA	Standing Committee of Finance
STC	Secondary Tax on Companies
TFTA	Tripartite Free Trade Area
UN	United Nations
UN Model	United Nations Model Double Taxation Convention between Developed and Developing Countries (2011)
WATAF	West African Tax Administration Forum
WHT	Withholding Tax
VAT	Value Added Tax

1 Introduction and paper outline

1.1 Background

Countries apply many forms of taxation as it is their sovereign right to do so. However, cross border transactions, or the dual residence of taxpayers can result in both countries claiming the right to tax the same income. The OECD Committee on Fiscal Affairs describes this as “juridical double taxation”.¹ A tax treaty is a contract between two states to regulate the taxing of income arising from cross-border transactions,² to remove potential double taxation and to distribute the taxation rights between the contracting states.³ There are over 3000 treaties worldwide,⁴ and the overwhelming majority are based on the OECD Model⁵ and the UN Model.⁶

1.2 Background to the OECD and UN Models

1.2.1 OECD Model development

The first tax treaty was established in 1869, between Prussia and Saxony.⁷ In 1920, work commenced to investigate double taxation and a report, published by four renowned economists, led to the 1928 League of Nations Draft Model Treaty.⁸ This report was revised in 1940 and is known as the Mexican Draft. In 1946, a revision, known as the London Draft,⁹ was

¹ OECD Model Tax Convention on Income and on Capital, (2014), Models IBFD.

² A.W. Oguttu, *Resolving Treaty Disputes: The Challenges of Mutual Agreement Procedures with a Special Focus on Issues for Developing Countries in Africa*, Bulletin for International Taxation, p724, (Dec 2016), Journals, IBFD.

³ K. Holmes, *International Tax Policy in International Tax Policy and Double Tax Treaties – An Introduction to Principles and Application (Second Revised Edition)*, Ch.1, (2014), Online Books IBFD.

⁴ B. Arnold, *An Introduction to Tax Treaties* (2015) United Nations – Documents, para.1, available: http://www.un.org/esa/ffd/wp-content/uploads/2015/10/TT_Introduction_Eng.pdf.

⁵ OECD, *supra* n.1.

⁶ UN Model Double Taxation Convention between Developed and Developing Countries (1 Jan 2011), Models IBFD.

⁷ J. Hattingh, *On the Origins of Model Tax Conventions*, Ch2 Studies in the History of Tax Law, Vol 6.

⁸ M.J. McIntyre, *Developing Countries and International Cooperation on Income Tax Matters: An Historical Review*, (Adapted, and Updated from Appendix B of Tax Policy for Developing and Transitional Countries in the Global Economy, para.2, (Bird R.M, Fox W.F, McIntyre M.J. Unpublished Manuscript, 2003), (2005) available: <http://docplayer.net/17186435-Developing-countries-and-international-cooperation-on-income-tax-matters-an-historical-review.html>.

⁹ Id. at para. 2.

released which formed the basis of the 1963 OECD draft Model¹⁰ that has subsequently been revised several times. The OECD Model is accompanied by detailed commentaries, and in 1997, the OECD opened these up to certain non-member states to take account their positions and differences to the OECD Model.¹¹

1.2.2 United Nations Model development

The OECD Model was developed for its member states which are highly developed countries that are largely industrialised and capital exporters.¹² The non-members of the OECD had no influence over the model's design. In 1968, an "Ad Hoc Group of Experts on Tax Treaties"¹³ was set up between developed and developing countries, resulting in a "Manual for the Negotiation of Bilateral Tax Treaties between Developed and Developing Countries" in 1979, with the first UN Model published in 1980.¹⁴ The UN Model is mostly similar to OECD Model, but with changes to favour capital importing countries,¹⁵ and allocates greater taxing rights to the source countries to strengthen their tax base,¹⁶ and provides for the negotiation of WHT rates.¹⁷

1.2.3 Development of South African tax treaties

South Africa has 79 tax treaties and protocols in force globally, of which 23 are with African countries.¹⁸ The development of tax treaties in South Africa reflects its history, from a dominion of the British Empire from 1910 to 1961,¹⁹ and subsequently forming a republic. The

¹⁰ *OECD Income and Capital Draft Model Convention*: (1963), Models IBFD.

¹¹ Arnold, *supra* n.4, at para.19.

¹² R. Julien, *Chapter 9: Elimination of Double Taxation in The UN Model Convention and Its Relevance for the Global Tax Treaty Network* (M. Lang et al. eds., IBFD 2017), Online Books IBFD.

¹³ *UN Model Double Taxation Convention between Developed and Developing Countries*, (2001), Models IBFD.

¹⁴ *UN Model Double Tax Convention Between Developed and Developing Countries*, (1980), Models IBFD.

¹⁵ Arnold, *supra* n.4, at para.21.

¹⁶ *EAC, Introduction in The Double Taxation Avoidance Agreement of the East African Community Handbook*, available: http://eacgermany.org/wp-content/uploads/2014/12/EAC_DTAMannual_screen.pdf.

¹⁷ McIntyre, *supra* n.8, para 3, at page 6.

¹⁸ SARS, *Double Taxation Agreements and Protocols*, available: <http://www.sars.gov.za/Legal/International-Treaties-Agreements/DTA-Protocols/Pages/default.aspx>.

¹⁹ C. West, *From colonialism to apartheid: International influence on tax treaties in South Africa (1932-1990)* (In Hattingh, J., Roeleveld, J. and West, C. (eds.), *Income Tax in South Africa: The First 100 Years: 1914 – 2014*.

apartheid era lasted from 1948 to 1994.²⁰ Sanctions were lifted during 1994, and the country started concluding treaties at a fast rate.²¹ Post-1994, South Africa has placed Africa at the centre of its foreign policy,²² and tax treaties play a key role in this policy.

1.2.4 South Africa's association with the OECD and UN

South Africa is not a member of the OECD, but achieved “observer” status in 2004,²³ and became one of five key partners of the OECD in 2007.²⁴ South Africa had recorded its positions on the OECD Model when Committee of Fiscal Affairs permitted non-OECD countries to identify areas with which they do not agree.²⁵ South Africa was one of the original founding members of the UN in 1945,²⁶ but was suspended because of apartheid, and was readmitted in 1994 when the sanctions were lifted. South Africa had a representative on the UN Committee of Experts on International Cooperation in Tax Matters²⁷ and played a role when the UN was working on the manual for administering tax treaties.²⁸

²⁰ Apartheid: translated from Afrikaans meaning 'apartness', was institutionalised racial segregation in South Africa, refer: *A History of Apartheid in South Africa*, available: <http://www.sahistory.org.za/article/history-apartheid-south-africa>.

²¹ J Hattingh, IFA Cahiers 9b, *Key practical issues to eliminate double taxation of business income - South Africa Report*, (IFA Cahiers 2011), Volume 2 para.1, available: https://www.ifa.nl/media/2443/ifacahier_2011_volume2_b-southafrica.pdf.

²² D. Games, *South Africa's Economic Engagement in Sub-Saharan Africa: Drivers, Constraints and Future Prospects*, (2017). Chatham House; available: <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-11-02-south-africa-economic-engagement-games-final.pdf>.

²³ Olivier and Honiball, *International Tax A South African Perspective*, (2011) 5th edition, at Ch. 6, para.10(2).

²⁴ OECD Key Partners, available: <http://www.oecd.org/global-relations/keypartners/>.

²⁵ Introduction: *Non-OECD Economies' Positions on the OECD Model Tax Convention*, OECD Model (2014), Models IBFD.

²⁶ UN, *The United Nations and South Africa*, available: <http://www.un.org.za/about/>.

²⁷ UN Committee of Experts on International Cooperation in Tax Matters, available: <https://www.un.org/esa/ffd/ffd-follow-up/tax-committee.html>.

It must be noted that the committee members act in their personal capacities, and not as representatives for their countries.

²⁸ UN: *Handbook on Selected Issues in Administration of Double Tax Treaties for Developing Countries*, (2013) <https://www.un.org/development/desa/capacity-development/tools/tool/un-handbook-on-selected-issues-in-administration-of-double-tax-treaties-for-developing-countries/>.

1.2.5 Sub-Saharan Africa background

Sub-Saharan Africa (SSA) consists of many resource-rich nations that have suffered from slavery, corruption, poor economic growth and civil wars.²⁹ All African countries, except Liberia and Ethiopia, were colonised by the West by the 1900's,³⁰ and these countries have incorporated the taxation practices of their colonial powers. SSA has regional organisations for shared geopolitical and economic interests. These include ATAF,³¹ SADC,³² ECOWAS,³³ EAC,³⁴ and WATAF.³⁵ South Africa is a member of the SADC and ATAF organisations, and the first ATAF Council chairman was the Commissioner of SARS.³⁶ COMESA is another regional body, and there is an initiative between COMESA-EAC-SADC called the "Tripartite Free Trade Area" Agreement (TFTA) aimed at boosting trade in Africa,³⁷ of which South Africa is a signatory.³⁸ All countries included in this research are members of one of these regional bodies.³⁹ The regional bodies have developed model tax conventions, such as the ATAF Model, SADC Model and the EAC Model, aimed at their member countries which are considered to be "developing countries".⁴⁰ COMESA also has a model that is in French. While the OECD Model is aimed at treaties between developed countries, and the UN Model aimed at treaties between developed and developing countries,⁴¹ the ATAF commentary notes that the ATAF model is "intended to provide an African approach to its members".⁴²

²⁹ E. Iweriebor, *The Colonization of Africa*, available: <http://exhibitions.nypl.org/africanaage/essay-colonization-of-africa.html>.

³⁰ Id.

³¹ ATAF, *African Tax Administration Forum*, available: <https://www.ataftax.org/>.

³² SADC, *Southern African Development Community*, available: <https://www.sadc.int/>.

³³ ECOWAS, *Economic Community of West African States*, available: <http://www.ecowas.int/>.

³⁴ EAC, *East African Community*, available: <https://www.eac.int/>.

³⁵ WATAF, *West African Tax Administration Forum*, available: <http://wataf-tax.org/>.

³⁶ PMG, Finance Standing Committee, *Agreement on Establishment of African Tax Administration Forum (ATAF): South African Revenue Service briefing 7*, (June 2011), available: <https://pmg.org.za/committee-meeting/13033/>.

³⁷ Africa Logistics Network, *22 Countries have now Signed the Tripartite Agreement*, (19 February 2018), available: <https://www.africalogisticsnetwork.com/notizia-reviews/22-countries-have-now-signed-the-tripartite-agreement/>.

³⁸ Annexure A.

³⁹ Annexure A.

⁴⁰ McIntyre, *supra* n.8. para 3, at page 6.

⁴¹ UN Model, *Introduction: Origin of the United Nations Model Convention*, para 3. (2014), Models IBFD.

⁴² Overview paragraph, *Commentary on the Articles: The ATAF Model Tax Agreement* (2016), Models, IBFD.

1.3 Purpose and research question

This dissertation attempts to identify deviations from the South African tax treaty policy with respect to countries in Sub-Saharan Africa, as observed in tax treaty practice. Identification of deviations will be used to assess the extent to which South Africa has been successful in implementing its stated tax treaty policy, or whether it has been guided by regional practices.

This research objective necessitates the following subsidiary questions:

- Does South Africa have a tax treaty practice that is specific to Sub-Saharan Africa?
- To what extent does this South African treaty practice differ significantly from the international taxation model conventions of either the OECD Model or the UN Model.
- To what extent do the significant deviations arise as a consequence of South Africa's tax treaty policies, legislation or other unique South African factors, or are the deviations a function of the other contracting state.
- Are these significant deviations also found in the regional tax models, and do they determine whether the treaties were guided by these regional models or if South Africa treaty practice has influenced the regional models?

1.4 Research method and approach

The research is based on grounded theory, which is essentially the discovery of a theory through data analysis.⁴³ Grounded methodology involves the collection and categorising data to create a theory out of these categories.⁴⁴ The collection of data for this research entails a comparison of all the South African treaties concluded with other Sub-Saharan African countries to the OECD Model and the UN Model, to determine if there are any significant deviations. Further analysis of these significant deviations as compared to the regional models

⁴³ B.G. Glaser and A. Strauss, "*The Discovery of Grounded Theory: Theories for Qualitative Research*" 1967.

⁴⁴ A. Strauss and J. Corbin, *Basics of Qualitative Research: Techniques and Procedures of Developing Grounded Theory*, 2008, referred in S.T. Leboea, *The Factors Influencing SME Failure in South Africa*, 2017, University of Cape Town.

is conducted to observe any similarities. The ATAF Model⁴⁵ and the SADC Model⁴⁶ were selected because South Africa is a key member of both organisations and has assisted in the preparations of these models. The EAC agreement⁴⁷ was selected as EAC members are part of the COMESA-SADC-EAC alliance, to which South Africa is a signatory.

The research includes a literary review of the OECD Model and commentary, the UN Model and commentary, South Africa's positions on the OECD Model, the SSA regional models and commentaries (ATAF, SADC and EAC), published books, journals and articles on the subject matter, presentations and minutes publicly available by National Treasury, and the treaties themselves. The purpose of the literary review is to assist in the analysis of the treaties and to determine the reasons for the significant deviations found in the analysis.

1.5 Limitations and scope of the study

The focus of this research is on South Africa's tax treaties currently in force with Sub-Saharan African countries.⁴⁸ The treaties have been selected using the Conclusion Date of the treaty when all negotiations are complete, as ratification can take at a much later date. The OECD and UN Models used in the analysis were the models prevailing at the Conclusion Date. Treaties concluded before the first OECD Model (30 July 1963) were excluded⁴⁹ as they would not have been drafted on the OECD Model. Treaties that have been concluded, but are not in force, have been excluded from this study.⁵⁰ The 2017 OECD Model and the 2017 UN Model have not been considered as none of the treaties reviewed were concluded after these models were released.

⁴⁵ *ATAF Model Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income*, (Oct. 2016), Models IBFD.

⁴⁶ *SADC Model Tax Agreement on Income* (September 2011), Models IBFD.

⁴⁷ *EAC East Africa Community Tax Treaty* (2010), Models IBFD.

⁴⁸ Annexure A.

⁴⁹ Treaties concluded between South Africa and Zambia (1956), and Sierra Leone (1960), Treaties IBFD.

⁵⁰ A treaty was concluded between South Africa and Gabon treaty on 22 March 2005, Not yet in force, Treaties IBFD.

This research does not examine domestic taxation laws, being income tax, VAT and other forms of taxation, unless mentioned for illustrative purposes.

Deviations with respect to the use of gender-neutral terms have been excluded from the analysis as nothing turns on this mixed-use.

1.6 Structure of the dissertation

The chapter outline is as follows:

Chapter 2 discusses South Africa's treaty practices and presents the significant deviations observed in the analysis of the South African treaties with SSA countries compared to the OECD Model, the UN Model, and related commentaries to determine if there is a common treaty practice for Sub-Saharan Africa.

Chapter 3 provides an analysis of the significant deviations observed in Chapter 2 to determine if there are specific South African factors that may influence the treaties, such as South Africa's positions on the OECD Model, local domestic laws, or any other unique factors.

Chapter 4 presents an analysis of the significant deviations, as highlighted in Chapter 3, compared to the Sub-Saharan African regional models, to determine if there are similarities, and if these models have guided the treaties, or if South Africa's treaty practice has influenced the regional models.

Chapter 5 concludes with a summary of the main findings and whether there is a common South African treaty practice for Sub-Saharan African treaties, and whether SA treaty policy has been impacted by or has influenced the regional models.

2 Is there a common treaty practice in the South African treaties concluded with Sub-Saharan African countries and does this treaty practice deviate significantly from the OECD Model and UN Model?

2.1 Introduction

The purpose of this chapter is to determine South Africa's tax treaty practice with Sub-Saharan African (SSA) countries and discusses whether it is consistent with the OECD or UN Model.

This chapter examines South Africa's tax treaty practices on what is publicly available and provides an analysis of the deviations observed in South Africa treaties with SSA countries in scope, as compared to the OECD and UN Models.

2.2 Does South Africa have a common tax treaty practice with respect to Sub-Saharan Africa countries?

Since 2005, the basis for South African treaty negotiation is a hybrid of the OECD and UN models. This hybrid approach is known as the "South African model".⁵¹ While South Africa's tax treaties are patterned on the OECD Model, some "typical deviations occur", which reflect the country's negotiation position.⁵²

There is currently no official South Africa tax model published,⁵³ but the National Treasury of South Africa produces explanatory memoranda⁵⁴ for treaties. Treasury also gives presentations to the Standing Committee of Finance (SCOFA), and the National Council of Provinces (NCOP) for treaty approvals and ratification. These presentations state that "South Africa has a double tax model which is a combination of the OECD Model Tax Convention and the UN

⁵¹ Roeleveld and West, *Is there a permanent establishment?* - South Africa, IFA Cahiers 2009 - Volume 94A available: <https://www.ifa.nl/my-ifa/cahiers/2009/94a>.

⁵² J. Hattingh, *Chapter 8: South Africa in BRICS and the Emergence of International Tax Coordination* (Y. Brauner & P. Pistone eds., IBFD 2015), Online Books IBFD.

⁵³ F.A. Krause, *A Comparative Study of Double Tax Agreements in a Southern African Context* at 2.6, available: https://repository.up.ac.za/bitstream/handle/2263/52988/Krause_Comparative_2016.pdf?sequence=1.

⁵⁴ Roeleveld and West, *supra* n.51, at para. 4.

Model Tax Convention”,⁵⁵ and the South Africa – Cameroon Tax Treaty presentation states “closely follows the OECD and UN Model Conventions”.⁵⁶ While these presentations do not refer to a specific policy for Sub-Saharan Africa, they demonstrate a common theme of following the OECD Model with the inclusion of UN Model provisions.

South Africa has one of the largest economies in Africa, with a GDP of US\$ 349 billion, second to Nigeria, with a GDP US\$ 376 billion.⁵⁷ South Africa has an infrastructure, financial and banking system that is comparable to a developed country⁵⁸ and is a significant exporter into the SSA region. Trade statistics for 2017 show that South African exports into SSA equalled \$18 billion, which is 19% of its worldwide exports, and 74% of all Africa exports.⁵⁹ National Treasury stated that considerations for a tax treaty include investment flows, corporate players, political relations, trade flows, and its “Gateway to Africa” strategy.⁶⁰

As South Africa is such a dominant capital exporter in SSA, it is expected that its treaties with these countries would largely follow the OECD Model which is used by investor countries, rather than the UN Model which allocates rights to the “host country of investment”,⁶¹ to retain residence taxing rights. However, it is also expected that the South Africa treaties would follow the process outlined by Treasury, i.e. to follow the OECD Model, with some adaptations to include UN Model provisions. A comparison was conducted between South Africa’s treaties

⁵⁵ PMG, *Overview of International Agreements, a briefing to the Select Committee on Finance by SARS and National Treasury on the different types of tax agreements, including Double Tax Agreements*, 27 August 2014. Available: <https://pmg.org.za/committee-meeting/17440/>

⁵⁶ PMG: *Tax treaties & double-taxation agreements with Cameroon, Qatar, Hong Kong, Lesotho, Cyprus*; Presentation by National Treasury to the NCOP, 28 April 2005, available: <https://pmg.org.za/committee-meeting/20740/>

⁵⁷ World Bank Group (US), *Gross Domestic Product 2017*, available: <https://databank.worldbank.org/data/download/GDP.pdf>

⁵⁸ E. Mazansky, *South Africa’s Treaty Network - Why is South Africa the Meat in the Sandwich*, Bulletin for International Taxation, April 2009, Journals IBFD. .

⁵⁹ Annexure J.

⁶⁰ PMG National Treasury, *supra* n.55.

⁶¹ Para. 3. *Introduction*, UN Model 2014, Models IBFD.

concluded with SSA countries to the OECD and UN Models to determine if any significant deviations observed follow a consistent pattern.

2.3 To what extent does the South African treaty practice differ from the international taxation model conventions - the OECD Model or UN Model

A detailed analysis of the deviations found in the South African treaties, concluded with SSA countries, compared with the relevant OECD and UN Models would determine if these treaties consistently follow the South African practice, which is, per Treasury, to generally adhere to the provisions of the OECD Model, with certain adaptations from the UN Model. The findings of the detailed analysis for the 18 treaties are presented in Annexure B. These findings are summarised into “Minor Deviations” presented in Annexure C1, and “Significant Deviations” presented in Annexure C2. The headings in the discussion below and the annexures generally follow the OECD Model article wording and numbering, unless the treaty includes additional articles.

2.4 Minor deviations observed in the comparison of South Africa treaties with Sub-Saharan African countries with the OECD and UN Models

The detailed comparison highlighted several deviations that are considered to be minor and are not discussed further in this paper. Annexure C1 provides information about these deviations and also includes articles where there are no deviations, to ensure completeness.

Deviations classified as “minor” are those that occur in less than half of the 18 treaties reviewed⁶² or do not impact the definitions or distributive rules in any way. However, some deviations are not in the majority of treaties but have been included as “significant deviations” as they are relevant to the discussion.

⁶² PMG National Treasury Presentation (Cameroon) *supra* [n.56](#).

2.5 Significant deviations observed in the comparison of South Africa's treaties with Sub-Saharan African countries with the OECD and UN Models

This section discusses the summary of the significant deviations observed in the treaty analysis, presented in Annexure C2, and further summarised in Annexure D.

2.5.1 Taxes covered and the exclusion of Capital - Article 2

Article 2 of the OECD Model “provides a system whereby the taxes covered under the treaty are determined”.⁶³ 15 treaties exclude references to capital, “total capital”, “elements of capital”, or “capital appreciation” contained in the OECD and UN Model Article 2(1) and 2(2). This exclusion of “capital” is also observed through the omission of the OECD and UN Model Article 22, “Taxes on Capital” in all treaties reviewed.⁶⁴

In Article 2(2), 11 treaties exclude the phrase “taxes on the total amounts of wages or salaries paid by enterprises”.⁶⁵ Cui notes that if a reference to taxes on the total amount of wages is omitted, it is likely that those taxes would not be properly viewed as taxes on income.⁶⁶ Three treaties exclude Articles 2(1) and 2(2) altogether.⁶⁷

Included in the treaties' Article 2(3) is a “Secondary Tax on Companies” (STC) which appears in all South African treaties concluded between 1994 and 2012.⁶⁸

2.5.2 General definitions - Article 3(1)

The treaties reviewed contain significant deviations to certain definitions in the OECD and UN Models:

- “Persons”: 17 treaties contain an additional phrase, “any other body of persons that is treated as an entity for tax purposes”.

⁶³ P. Brandstetter, *Taxes Covered*, Ch.2, Online Books IBFD.

⁶⁴ Annexure C2.

⁶⁵ Annexure C2.

⁶⁶ W. Cui, Article 2 – *Taxes Covered – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

⁶⁷ See treaties concluded between South Africa and Botswana, Malawi and Mozambique.

⁶⁸ Annexure C2.

- “International traffic”: 16 treaties do not refer to the “place of effective management” (POEM) of an enterprise, but the resident state of the enterprise and eight treaties extend the definition to include rail or road transport.
- National “legal person”: 15 treaties do not include the term “partnership”.

Refer Annexure C2 for detail.

2.5.3 Permanent establishments - Article 5

The majority of the treaties⁶⁹ contain significant deviations for permanent establishments (PEs).

These deviations broaden the definition and scope of a PE, which “allows for greater taxing rights by the source State”.⁷⁰ Several treaties⁷¹ contain additional examples in Article 5(2).

However, the OECD Commentary notes that this list is “by no means exhaustive”.⁷²

2.5.3.1 Construction PEs

Sixteen treaties⁷³ contain the UN Model Article 5(3)(a) duration of “more than six months”, as opposed to the OECD’s “twelve months”. Seventeen treaties include the UN Model’s broader range of activities, being “assembly project”, and “supervisory services”.⁷⁴ The effect of lessening the duration of the activity and expanding activities is to enable the source state to “more readily tax the profits arising from the projects or activities”.⁷⁵

2.5.3.2 Services PEs

Fifteen treaties⁷⁶ include the UN Model Article 5(3)(b) “furnishing of services by an enterprise”, and duration of “183 days in any 12-month period”. This inclusion broadens the

⁶⁹ Annexure C2.

⁷⁰ T. Gutuza, *Enterprise Services (South Africa)*, IFA Cahiers Vol 97a, 2012. IFA.

⁷¹ Refer Annexure C2.

⁷² Para. 45. OECD, *Commentary on Article 3(2)* OECD Model 2014, Models IBFD.

⁷³ Annexure C2.

⁷⁴ Annexure C2.

⁷⁵ Holmes, *supra* [n.3](#), at Ch. 9.4.3.

⁷⁶ Annexure C2.

definition of a PE to include the service performed by a non-resident employee for a substantial period, “even where the services are not performed through a fixed base”.⁷⁷ The OECD Model does not include service PEs but the 2008 OECD Commentary, introduced an alternative for service PEs,⁷⁸ due to the insistence of committee members from service-importing states.⁷⁹ Furthermore, twelve treaties⁸⁰ include an additional article 5(3)(c) “performance of professional services”. The UN Model includes Article 14 (Independent Personal Services), which includes professional services.⁸¹ Article 14 was deleted from the 2000 OECD Model,⁸² but the earlier OECD version did not contain the UN Model’s deeming provision for a PE based on the duration of services where there is no fixed base.⁸³

2.5.3.3 Other PE deviations

Several treaties have deviations⁸⁴ for agency PEs and insurance PEs, in line with the UN Model provisions, but these are in the minority, (refer Annexure C1).

2.5.4 Business profits - Article 7

2.5.4.1 OECD 2010 new wording

The 2010 OECD Model introduced new wording for Article 7,⁸⁵ which was not adopted in the 2011 UN Model.

⁷⁷ B.J. Arnold, *Article 5: Permanent Establishment - Global Tax Treaty Commentaries*, at 5.1.1.2.1. Global Tax Treaty Commentaries, IBFD.

⁷⁸ Para. 42.43, *OECD Model: Commentary on Article 5(3)* 2014, Models, IBFD.

⁷⁹ A Miller, *Taxing Cross-Border Services: Current Worldwide Practices and the Need for Change – Chapter 8: The Services PE*, Online Books, IBFD.

⁸⁰ Annexure C2.

⁸¹ Olivier and Honiball *supra* [n.23](#), at Ch.16, para.1.1.

⁸² OECD: *History of Article 14*, in OECD Model (2014), Models IBFD.

⁸³ Arnold, *supra* [n.77](#), at 1.1.1.2.

⁸⁴ Annexure C2.

⁸⁵ A. Wintsch, *Attribution of Profits to Permanent Establishments: The 2008 Article 7 versus the 2010 Article 7 of the OECD Model Tax Convention*, International Transfer Pricing Journal, sec.1.1 (September/October 2017), Journals IBFD.

These changes were considered to be a “better approach to attributing profits to PEs”.⁸⁶

Treaties concluded after 2010 do not contain the new OECD wording.⁸⁷

2.5.4.2 Article 7(3) deductions

Thirteen treaties⁸⁸ include the additional provision contained in UN Model Article 7(3), that notional expenses paid to the head office of a PE are not permissible deductions. This paragraph, which was not in the pre-2010 OECD Model, was requested by the UN members of developing countries, as “it would be helpful to include all necessary definitions and clarifications in the text of the guideline”,⁸⁹ to assist in determining the profits attributable to a PE.

2.5.5 Shipping, inland waterways and air transport - Article 8

2.5.5.1 Residence in Article 8(1)

Seventeen treaties⁹⁰ allocate profits from transport used in international traffic to the resident state of the enterprise and not the state of the POEM of the enterprise, as provided in the OECD and UN Model Article 8(1). This practice is followed by developing countries that are reluctant to give up taxing rights.⁹¹ Both the OECD⁹² and UN⁹³ commentaries permit this option. Furthermore, it was noted that the majority of the OECD member countries and non-OECD countries also follow this practice.⁹⁴

⁸⁶ OECD Revised Discussion Draft of a new Article 7 of the OECD Model Tax Convention, para.7, (January 2010), available: <https://www.oecd.org/tax/treaties/44104593.pdf>.

⁸⁷ Annexure C2.

⁸⁸ Annexure C2.

⁸⁹ J. Sasseville & R.J. Vann, Article 7: Business Profits - Global Tax Treaty Commentaries, section 1.2.4.3., Global Tax Treaty Commentaries IBFD.

⁹⁰ Annexure C2.

⁹¹ G. Maisto, Article 8: International Transport and Other Operations - Global Tax Treaty Commentaries, Global Tax Treaty Commentaries IBFD.

⁹² Para. 2, OECD Commentary on Article 8, OECD Model 2014, Models, IBFD.

⁹³ Para. 5, UN Article 8 Commentary General Considerations, UN Model 2011, Models IBFD.

⁹⁴ OECD Proposed Changes to the OECD Model Convention Dealing with the Operation of Ships and Aircraft in International Traffic: Public Discussion Draft (OECD 2013).

Other articles in the treaties that contain provisions in connection with international traffic also refer to the resident state, not POEM.⁹⁵ These treaties also do not include Article 8(3) “home harbour” provision, as the treaties do not refer to the POEM of an enterprise.

2.5.5.2 Other deviations in Article 8

Other deviations observed are the inclusion of “rail or road transport” in Article 8(1) in eight treaties.⁹⁶ Furthermore, fifteen treaties⁹⁷ include profits on a “bare boat basis” and from the “leasing of containers”. Such income would be classified under the Business Profits Article 7 in the OECD Model, and as income derived from commercial use per the UN Model Royalties Article 12.⁹⁸

All treaties omit Article 8(2) “inland waterways transport”, and other articles that refer to international transport also have this exclusion.⁹⁹

2.5.6 Associated enterprises - Article 9

Article 9(2) of the OECD and UN Models require authorities to make an adjustment to the profits of the transaction between associated enterprises if it is not considered to be on arm’s length terms.¹⁰⁰ Eleven treaties¹⁰¹ provide that the Contracting States “may” make an adjustment, i.e. they are not obliged to do so.¹⁰² The UN Model Commentary allows this replacement.¹⁰³

⁹⁵ Annexure C2.

⁹⁶ Annexure C2.

⁹⁷ Annexure C2.

⁹⁸ S. André Rocha, *The Taxation of Non-Resident Rental Income from Movable Property in the Tax Treaties Concluded by Brazil*, 71 Bulletin for International Taxation. 9 (2017), Journals IBFD.

⁹⁹ Annexure C2.

¹⁰⁰ E. Baistrocchi, *Article 9: Associated Enterprises - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

¹⁰¹ Annexure C2.

¹⁰² Olivier and Honiball, *supra* [n.23](#), at Ch. 21 para. 1.9.

¹⁰³ Para. 7 UN Model: Commentary on Article 9(2) (2011), Models IBFD.

2.5.7 Dividends - Article 10(2) allocation of taxing rights

Both the OECD and UN Models grant the source state the right to tax dividends, but the UN Model specifies a lower ownership requirement,¹⁰⁴ possibly due to restrictions placed on foreign ownership by certain developing countries.¹⁰⁵ The UN Model permits WHT rates to be negotiated, unlike the OECD Model. The treaties have varied WHT rates and beneficial ownership thresholds,¹⁰⁶ which mostly benefit the source state.

2.5.8 Interest - Article 11

Thirteen treaties¹⁰⁷ include an additional article 11(3) which exempts the taxing of interest paid to government or political subdivisions. Both the OECD Commentary¹⁰⁸ and UN Model Commentary¹⁰⁹ permit such exemptions.

2.5.9 Royalties - Article 12

2.5.9.1 Source state taxing of royalties

Sixteen treaties¹¹⁰ extend taxing rights to the source state as per UN Model Article 12(1). The OECD Model's provision to exclusively allocate taxing rights to the resident state is not supported by some OECD member countries, who have placed reservations to allocate taxing rights to the source states.¹¹¹ The treaties also apply UN Model Article 12(2) and place limits on WHT rates¹¹² where the recipient of the royalty is the beneficial owner.

¹⁰⁴ P.A. Harris, *Article 10: Dividends - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

¹⁰⁵ A. Binder and S. Siller, *Chapter 5: Passive Income in The UN Model Convention and Its Relevance for the Global Tax Treaty Network* (M. Lang et al. eds, IBFD 2017), para. 5.2.1. Online Books IBFD.

¹⁰⁶ Annexure K for WHT rates.

¹⁰⁷ Annexure C2.

¹⁰⁸ Para. 7.4, *OECD: Commentary on Article 11* (2014), Models IBFD.

¹⁰⁹ Para. 16, *UN Model: Commentary on Article 11* (2011), Models IBFD.

¹¹⁰ Refer Annexure C2.

¹¹¹ Binder and Siller, *supra* n.107 at para. 5.3.1.

¹¹² Annexure K.

2.5.9.2 Other deviations in royalties

Seventeen treaties have broadened the royalty definition by including the wording of the UN Article 12(3) or use earlier OECD Models wording. Sixteen treaties¹¹³ include the UN Model Article 12(5) which deems that royalties will arise in the state where the PE is based if the royalty is borne by that PE.¹¹⁴

2.5.10 Technical Services

Eight treaties¹¹⁵ include an article for Technical Services, which, under the OECD and UN Model is classified under Article 7¹¹⁶ and the source state does not have taxation rights unless the income arose from a PE in the source state. Developing countries are concerned that multinational companies charge for management, consulting and technical services in an attempt to reduce their tax liability in the source countries.¹¹⁷ Adding these provisions is becoming “increasingly popular among developing countries”.¹¹⁸ The latest UN Model (2017) introduces Article 12A “Fees for Technical Services”.¹¹⁹ Although this deviation is found only in 8 treaties,¹²⁰ it is considered to be significant in this analysis.

¹¹³ Annexure C2.

¹¹⁴ A.J. Martín Jiménez, *Article 12: Royalties - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

¹¹⁵ Annexure C2.

¹¹⁶ Gutuza, *supra* n.70, at para.2.1.

¹¹⁷ B.J. Arnold, *The Taxation of Income from Services, Papers on Selected Topics in Protecting the Tax Base of Developing Countries, Draft Paper No. 2*, (May 2013), p2. UN.

¹¹⁸ UN Committee of Experts on International Cooperation in Tax Matters, *Tax consequences of the digitalized economy*, 15th session, Sec.B. (October 2017), available: http://www.un.org/ga/search/view_doc.asp?symbol=E/2018/45&Lang=E.

¹¹⁹ UN Model, *Double Taxation Convention between Developed and Developing Countries*, (2017), Models IBFD.

¹²⁰ The total number of treaties is 18.

2.5.11 Capital Gains - Article 13

2.5.11.1 Gains from the alienation of ships and aircraft – Article 13(3)

Sixteen treaties¹²¹ allocate the taxing rights of these gains to the residence state, not the POEM state of the enterprise per the OECD and UN Model Article 13(3), which is consistent with the treaties' Article 8(1). The OECD Commentary provides an example for states preferring to use the residence state.¹²²

2.5.11.2 “Real property shares” - Article 13(4)

The 2003 OECD Model introduced a provision for “real property shares”, which grants the taxing rights of the gains from the alienation of shares “deriving more than 50 per cent of their value indirectly or directly from immovable property”, to the source state where the property is situated.¹²³ Eight treaties¹²⁴ do not specify any percentage rate for “real property shares”, and merely state “which consists directly or indirectly principally of immovable property”. The treaties do not define the term “principally”. While this deviation occurs in only eight treaties, it is considered to be significant in this analysis, as it is a more recent introduction.

2.5.11.3 Other deviations

Eight treaties include “road and rail transport” as international transport, and the majority of treaties exclude “inland waterways transport”.¹²⁵

¹²¹ Annexure C2.

¹²² Para. 28, *OECD Commentary on Article 13(3)*, 2014, Models IBFD.

¹²³ J. Li & F. Avella, *Article 13: Capital Gains - Global Tax Treaty Commentaries*, section 2.1.5, Global Tax Treaty Commentaries IBFD.

¹²⁴ Annexure C2.

¹²⁵ Annexure C2.

2.5.12 Entertainers and sportspersons - Article 17

Nine treaties¹²⁶ grant exclusive taxing rights to the resident state of the entertainer or sportsperson if the visit is “wholly or mainly funded by public funds of the resident state”.

Both the OECD¹²⁷ and UN¹²⁸ commentaries accept this.

2.5.13 Pensions – Article 18

2.5.13.1 Source vs resident state

All treaties¹²⁹ allocate taxing rights to the source state, while the OECD Model grants exclusive taxation rights to the resident state of the recipient of the pension.¹³⁰ However, the OECD Commentary¹³¹ provides an alternative option to grant taxing rights to the source state, and the UN Model Article 18(Alternative B) also allocates taxing rights to the source state. Eleven treaties¹³² include the UN Model Article 18(2) for pensions “paid out of funds of a public scheme or social security system” are exclusively taxed in the source state, which is recognised in OECD Commentary.¹³³

2.5.13.2 Annuities

All treaties¹³⁴ include the term “annuities” in Article 18(1) and define annuities in Article 18(2). OECD Commentary includes “annuities” as an example of income from past employment,¹³⁵ which is mentioned in the UN Commentary.¹³⁶

¹²⁶ Except Malawi, refer Annexure C2.

¹²⁷ Para 14, *OECD: Commentary on Article 17*, (2014), Models IBFD.

¹²⁸ Para 14, *UN Model: Commentary on Article 17*, (2011), Models IBFD.

¹²⁹ Annexure C2.

¹³⁰ P. Brown, *Articles 18 and 19(2): Pensions – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

¹³¹ Para 15, *OECD: Commentary on Article 18* (2014), Models IBFD.

¹³² Annexure C2.

¹³³ Brown, *supra* [n.130](#) at section 3.1.3.1.

¹³⁴ Annexure C2.

¹³⁵ Para 3, *OECD Model: Commentary on Article 18* (2014), Models IBFD.

¹³⁶ Para 4, *UN Model: Commentary on Article 18(1)* (2011) Models IBFD.

2.5.14 Professors and teachers

Ten treaties include an article for professors and teachers, which is similar to the “Students” Article 20, which is accepted in the UN Commentary.¹³⁷

2.5.15 Other income – Article 21

The OECD Model Article 21 allocates exclusive taxing rights to the resident state of the recipient; however, the majority of the treaties allocate taxing rights to the source state, either by adopting UN Model Article 21(3) or by changing the wording of Article 21(1) to reflect this.¹³⁸

2.5.16 Taxation of capital – Article 22

This article does not feature in any of the South African treaties analysed. OECD Article 22 deals with taxes on the capital itself, i.e. wealth taxes, and is not the same as Article 13, which deals with taxes on capital gains.

2.5.17 Elimination of Double Taxation – Article 23

Fourteen treaties¹³⁹ include the phrase “subject to the laws of South Africa”, which is not in the OECD/UN Models.

2.5.18 Non-Discrimination – Article 24

Two deviations observed:

- no treaty contains Article 24(2) “stateless persons”.
- eleven treaties state “nothing shall prevent South Africa from imposing a tax on the profits attributable to a PE”. Refer Annexure C2 for further discussion.

¹³⁷ Para 12, *UN Model: Article 20 Commentary*, Models IBFD.

¹³⁸ Annexure C2.

¹³⁹ Annexure C2.

2.6 Summary of the analysis

A summary of the significant deviations observed is presented in Annexure D. The findings suggest there are 31 significant deviations in the treaties compared to the OECD Model. Of these, 22 (71%) align with the UN Model and the UN Model Commentary, and 10 of the significant deviations are covered in the OECD Commentary.¹⁴⁰

2.6.1 Conclusion

The objectives of this chapter were to observe if there were any significant deviations found in the South African treaties concluded with SSA countries compared to the OECD and UN Models and to determine if these treaties were consistent with South Africa's stated treaty practise.

It was found that South Africa's treaty practice, per National Treasury's presentations, is to draft treaties using the OECD Model and incorporating provisions of UN Model. To determine if this has been consistently applied, 18 South African treaties concluded with SSA countries were compared to the OECD and UN Models to identify any significant deviations.

The findings suggest that while the treaties generally follow the OECD Model, the majority (71%)¹⁴¹ of the significant deviations arise because the treaties include the provisions of the UN Model. On this basis, it can be concluded that the treaties align with South Africa's practice to follow the OECD Model, with adaptations taken from the UN Model. This practice results in the treaties allocating greater taxing rights to the source countries. This outcome could arise out of South Africa's tax policies and legislation, further discussed in Chapter 3, or possible influences from the Sub-Saharan regional models, as discussed in Chapter 4. Other deviations are also further discussed.

¹⁴⁰ Annexure D.

¹⁴¹ Annexure D.

3 Identifying possible factors for the significant deviations observed in South African tax treaties concluded with Sub-Saharan African countries

3.1 Introduction

As highlighted in Chapter 2, there are several significant deviations in South Africa's treaties concluded with other SSA countries as compared to the OECD and UN Models. This chapter examines these deviations to determine to what extent they arise as a consequence of South Africa's stated positions to articles in the OECD Model, and its domestic legislation and other factors arising from South Africa treaty practice, or as a function of the other contracting state. Some of the key reasons are discussed below, and further information is provided in Annexure C2.

3.2 Taxes covered - Article 2

3.2.1 Exclusion of capital in Article 2 and 22

The omission of the term "capital" in Article 2(1) and 2(2), and the "Capital" Article 22 from all treaties is most likely because South Africa does not levy capital taxes such as a "net worth tax", or "real estate tax".¹⁴²

3.2.2 Article 2(2) and 2(3) Taxes covered

While 11 treaties¹⁴³ omit "wages and salaries", South African domestic law includes any amount received from employment as gross income.¹⁴⁴ Olivier and Honiball note that the definition of remuneration is "broader than the South African domestic law",¹⁴⁵ and excluding the phrase "wages and salaries" does not create a limitation, and that the "taxes on total

¹⁴² P.J. Hattingh, *South Africa - Corporate Taxation*, sec. 5., Country Analyses IBFD.

¹⁴³ Annexure C2.

¹⁴⁴ South Africa Income Tax Act No. 58 of 1962, Section 1. Interpretation "gross income" para. (c).

¹⁴⁵ Olivier and Honiball, *supra* [n.23](#), at Chapter 16, para 2.1. (pg. 416).

income” would cover all aspects of income. Thus, it is not necessary for South African treaties to include this phrase. The National Treasury’s presentation ¹⁴⁶ does not specifically mention “wages and salaries” under “taxes covered” therefore it is likely the inclusion of the phrase is at the request of the other contracting state.

The treaties include STC in Article 2(3) as it was not considered to be a normal tax, and had to be specifically included.¹⁴⁷ STC was in existence in South Africa from 1994-2012, whereafter it replaced with a withholding tax on dividends,¹⁴⁸ and is not found in treaties concluded after that.

3.3 Article 3 – General definitions reasons for deviations

The significant deviations in the definitions in Article 3 are “persons”, “nationals” and “international traffic”. The additional phrase “any other body of persons” in the definition of “persons” aligns to South Africa’s position to the OECD Model.¹⁴⁹ The Cameroon treaty explanatory memorandum¹⁵⁰ mentions that “this is of particular relevance to partnerships”. In South African domestic law, partnerships are not regarded as taxable entities and are not separate legal persons.¹⁵¹ As partnerships are not liable to tax, they do not meet the requirements of Article 4(1) for resident and are therefore not eligible for treaty benefits.¹⁵² This also explains why the term “partnership” is omitted in the definition of “legal persons” under “nationals”. The reasons for the significant deviations in the definition of international traffic are further discussed below.

¹⁴⁶ PMG National Treasury, *supra* [n.55](#).

¹⁴⁷ Olivier and Honiball, *supra* [n.23](#), at Chapter 9, para 2.5.1. (pg. 284).

¹⁴⁸ P.J. Hattingh, *supra* [n.142](#), at sec. 1.

¹⁴⁹ Annexure C2.

¹⁵⁰ PMG National Treasury Presentation (Cameroon) *supra* [n.56](#).

¹⁵¹ P.J. Hattingh, *supra* [n.142](#), at sec 1.1.4.

¹⁵² Holmes, *supra* [n.3](#), at sec.8.3.

3.4 Permanent establishments - Article 5

South Africa's domestic legislation holds that "a permanent establishment as defined from time to time in Article 5 of the Model Tax Convention on Income and on Capital of the OECD".¹⁵³

However, as observed in Chapter 2, the majority of the treaties reviewed contain the UN Model provisions for PEs which broaden the scope of PEs and include provisions for service PEs.

3.4.1 Broadened scope of PEs - Article 5(2) and 5(3)(a)

The treaties provide various examples of PEs in Article 5(2), which are unique to the various contracting states.¹⁵⁴ South Africa has a stated position to Article 5(2) for enterprises conducting activities related to the exploration or exploitation of natural resources for more than six months. This is to be expected, as South Africa is a country with extensive mineral resources,¹⁵⁵ as are many other SSA countries.¹⁵⁶

The treaties include the UN Model Article 5(3)(a) provisions for construction PEs, which is consistent with South Africa's stated position to the OECD Model.¹⁵⁷ Expansion in infrastructure has played a significant role in South Africa's development since 1994, with substantial projects initiated throughout the country.¹⁵⁸ As foreign construction companies would participate in these projects, it is reasonable to conclude that South Africa would seek to expand the scope of construction PEs to increase the tax base. The DRC also has a similar position to OECD Article 5(3)(a).¹⁵⁹

¹⁵³ Income Tax Act, *supra* [n.144](#), at Section 1. Interpretation "*Permanent Establishment*".

¹⁵⁴ Annexure C2.

¹⁵⁵ Deloitte, *Taxation and Investment in South Africa 2016*, available: <https://www2.deloitte.com/content/dam/Deloitte/cn/Documents/international-business-support/deloitte-cn-ibs-south-africa-tax-invest-en-2016.pdf>.

¹⁵⁶ Annexure C2.

¹⁵⁷ OECD Model: *Positions on Article 5(3)*, Para. 10 and 11, (2014), Models IBFD.

¹⁵⁸ Annexure C2.

¹⁵⁹ OECD Model: *Positions on Article 5(3)*, Para. 9, (2014), Models IBFD.

3.4.2 Services PEs

The services industry accounts for two-thirds of South Africa's output, and South Africa serves as a hub for multinational companies, providing management, legal, financial, and other services.¹⁶⁰ It is therefore understandable why South Africa would want to broaden its tax base by including UN Model Article 5(3)(b) "furnishing of services". This addition in the treaties is consistent with South Africa's position to the OECD Model.¹⁶¹ National Treasury views the deemed PE rule as important, with many "global consulting companies providing services at their clients' offices".¹⁶²

The treaties include an additional paragraph 5(3)(c) for professional services, consistent with South Africa's stated position to the OECD Model.¹⁶³ National Treasury explains that the physical presence test for employees, per Article 5(3)(b), should also "extend to professionals such as doctors and lawyers who are rendering independent personal services"¹⁶⁴ in the country.

South Africa is also a significant exporter of services; for example, South Africa's largest banks operate in numerous African countries.¹⁶⁵ South Africa loses out on taxation as a result of the additional PE provisions. However, it was a focus of Treasury's policy to encourage South African companies to increase their investment into the African continent.¹⁶⁶ On this basis, for reciprocity reasons, it is possible that South Africa agreed to expand the source base for Service PEs.

¹⁶⁰ G. Serletis, *South Africa Is a Leading Producer and Supplier of Services in Africa*, Executive Briefing on Trade, USITC, (October 2015), available: https://www.usitc.gov/publications/332/executive_briefings/sa_services_ebot10_16.pdf

¹⁶¹ OECD Model: *Positions on Article 5(3)* Para. 14.1, (2014), Models IBFD.

¹⁶² PMG: National Treasury Presentation (Cameroon) *supra* n.56.

¹⁶³ Annexure C2.

¹⁶⁴ PMG: Finance Standing Committee Minutes, *Double Taxation Agreements with Ghana, Turkey, Gabon and Congo (DRC) Ratification*, 24 May 2005, available: <https://pmg.org.za/committee-meeting/5126/>

¹⁶⁵ Serletis, *supra* n.162..

¹⁶⁶ PMG: Finance Standing Committee Minutes: *Double Taxation / Tax Information Exchange Agreements: Seychelles, Malaysia, Austria and others*, 10 October 2011, available <https://pmg.org.za/committee-meeting/13467/>

3.5 Business profits – Article 7

Treaties concluded after 2010 do not include the new OECD Model’s wording, which is consistent with South Africa’s position to Article 7.¹⁶⁷

The additional paragraph in Article 7(3) of the treaties aligns to the UN Model, which covers permissible deductions of payments made to the head office. An explanatory memorandum notes that the “emphasis here is on the fact that the expenses must have been actually incurred, notional charges are excluded, for example, management fees”.¹⁶⁸ South African domestic law, per Section 11(a),¹⁶⁹ provides that expenses must be “actually incurred”.¹⁷⁰

3.6 Shipping, inland waterways, and air transport - Article 8

3.6.1 Allocation of profits – Article 8(1)

As observed in chapter 2, the majority of the treaties¹⁷¹ allocate the profits earned from transport used in international traffic to the resident state of the enterprise, and not the POEM state. This not a South Africa position on the OECD Model, but Treasury notes that either the POEM or residence will be used.¹⁷² The Cameroon treaty explanatory memorandum states that such income is “taxable only in that state”¹⁷³ and provides the example where profits of South African Airways will only be taxed in South Africa. The DRC treaty explanatory memorandum has similar provisions.¹⁷⁴ This indicates the preference for using the resident state for profit

¹⁶⁷ Annexure C2.

¹⁶⁸ PMG: *Explanatory Memorandum on the Double Taxation Convention between the Republic of South Africa and the Republic of Mozambique*, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/2005/050817mozammemo.pdf>.

¹⁶⁹ Income Tax Act, *supra* n.144, at section 11(a).

¹⁷⁰ Olivier and Honiball, *supra* n.23, at p.352.

¹⁷¹ Annexure C2.

¹⁷² PMG National Treasury, *supra* n.55.

¹⁷³ PMG: *Explanatory Memorandum on the Double Taxation Convention between the Republic of South Africa and the Republic of Cameroon*, Article 8, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/130619convention.pdf>.

¹⁷⁴ Annexure C2.

allocation. Furthermore, the majority of SSA countries have national airline carriers¹⁷⁵, and all parties likely agreed that the resident state has exclusive taxing rights on such profits.

3.6.2 Inclusion of rail and road – Article 8(1)

The inclusion of “rail or road” transport in the treaties aligns with South Africa’s position on Article 8(1).¹⁷⁶ South Africa is situated at the southern tip of Africa and borders several landlocked countries that all rely on road or rail in cross border transport, and the trade statistics show that a significant portion of South Africa’s exports is to its neighbouring countries (refer Annexure C2).

3.6.3 Exclusion of inland waterways transport – Article 8(2)

The exclusion of Article 8(2) from all the treaties aligns with South Africa’s recorded position.¹⁷⁷ This is probably because South Africa does not have any international inland waterways.¹⁷⁸

3.6.4 Bare boat basis and leasing of containers

The treaties inclusion of profits from ships or aircraft on a bare boat basis or the leasing of containers aligns to South Africa’s recorded position.¹⁷⁹ The position on the “leasing of containers” was “partly due to domestic anti-avoidance rules introduced specifically to combat abuse”¹⁸⁰ on such income. An explanatory memorandum notes that where such income is not

¹⁷⁵ Most SSA countries have national carriers, refer IATA member list, available: <https://www.iata.org/about/members/Pages/airline-list.aspx>.

¹⁷⁶ Para. 6.1, *OECD Positions on Article 8* (2014), Models IBFD.

¹⁷⁷ Annexure C2.

¹⁷⁸ Olivier and Honiball, *supra* n.23, at Ch. 14, p.386.

¹⁷⁹ Annexure C2.

¹⁸⁰ West, C. 2016. Status Quo of South African Tax Treaty Policy. Status Quo of South African Tax Treaty Policy (南非现行税收协定政策考察), *International Taxation in China*. Issue 11, para. 3.3, (ISSN: 2095-6126). Available: SSRN: <https://ssrn.com/abstract=2882413>.

incidental to international traffic operations, but rather “constitutes an independent business in its own right”, it will be included under Article 7 as business income.¹⁸¹

3.7 Associate enterprises –adjustments Article 9(2)

The treaties replacing “shall” with “may” is consistent with South Africa’s recorded position; thus, the contracting States are not compelled to make corresponding adjustments. This position is consistent with South Africa’s domestic tax legislation which does not provide for automatic or compulsory adjustments,¹⁸² meaning that the taxpayer has no automatic right to a corresponding adjustment¹⁸³ for transactions with related parties under arms’ length principles.

3.8 Dividends - Article 10

As observed, the WHT limits for dividends and the percentages of beneficial ownership vary in the treaties.¹⁸⁴ South Africa’s recorded position is to permit the negotiation of WHT rates, refer Annexure C2. In South African domestic tax law, WHT on dividends paid was introduced when STC was abolished in 2012.¹⁸⁵ National Treasury notes that “South Africa gave a favourable rate where the investment related to foreign direct investment”,¹⁸⁶ which further indicates that South Africa prefers to negotiate WHT rates. The treaties WHT rates¹⁸⁷ are within Treasury’s WHT target of 5 to 15%.¹⁸⁸

3.9 Interest – Article 11

As observed, thirteen treaties exempt interest paid in the source state to the government of the other contracting state, which is not a recorded South African OECD position. WHT on interest

¹⁸¹ Explanatory Memorandum Mozambique, *supra* [n.170](#).

¹⁸² Olivier and Honiball, *supra* [n.23](#), at Ch. 21, p.648.

¹⁸³ Annexure C2.

¹⁸⁴ Annexure K.

¹⁸⁵ P.J. Hattingh, *supra* [n.142](#), at sec 1.1.3.

¹⁸⁶ PMG National Treasury, *supra* [n.55](#).

¹⁸⁷ Annexure K.

¹⁸⁸ PMG National Treasury, *supra* [n.55](#).

was introduced in South Africa in March 2015, and grants exemptions on interest paid by the government of South Africa, whether national, provincial or local.¹⁸⁹

3.10 Royalties Article 12 and Technical Services

3.10.1 Royalties taxing rights and WHT rates

The allocation taxing rights to the source state for royalties is consistent with South Africa's position on the OECD Model,¹⁹⁰ and the DRC also has the same position.¹⁹¹ South Africa also has a position on the "deeming source rule",¹⁹² and an explanatory memorandum notes that royalties will be deemed to arise in a PE if the royalties are borne by that PE.¹⁹³ South Africa levies WHT on royalties paid to foreign persons from a South African source.¹⁹⁴

3.10.2 Royalties definition

The definition of royalties in the majority of the treaties¹⁹⁵ with South African domestic law¹⁹⁶ which also includes the UN Model definitions,¹⁹⁷ and also includes "know-how" payments.¹⁹⁸

3.10.3 Technical Services

There is no WHT on fees from technical services in South Africa's domestic legislation, and South Africa has a reservation on the SADC Model to not use the Technical Services provision.¹⁹⁹ However, three recent treaties concluded with Lesotho, Cameroon, and Zimbabwe include this article and the treaty WHT rates are lower than the domestic WHT rates.²⁰⁰ If this

¹⁸⁹ SARS: *Withholding Tax on Interest*, available: <http://www.sars.gov.za/TaxTypes/WTI/Pages/default.aspx>.

¹⁹⁰ Annexure C2.

¹⁹¹ Para.3, *OECD Model: Positions on Article 12*, 2014, Models IBFD.

¹⁹² Annexure C2.

¹⁹³ Explanatory Memorandum Mozambique, *supra* n.170 Article 5.

¹⁹⁴ P.J. Hattingh, *supra* n.142., at.3.4.3.

¹⁹⁵ Annexure C2.

¹⁹⁶ Income Tax Act, *supra* n.144. at Section 35(1).

¹⁹⁷ Annexure C2.

¹⁹⁸ Income Tax Act, *supra* n.144. at Section 49A(b).

¹⁹⁹ P.J. Hattingh, *supra* n.142. at 7.4.1.1.

²⁰⁰ Annexure C2.

article were not in these treaties, the fees would have been classified as “Other Income” where the source state would have a right to tax under the treaty, and the resident state, South Africa, would have to provide a tax credit at the source state’s higher domestic WHT rates. Thus, it is in South Africa’s interest to limit the source state’s tax allocation on services rendered by South African residents in these countries.

3.11 Capital gains Article 13

While Capital Gains taxation was only introduced in South Africa in 2001,²⁰¹ all treaties concluded prior that date,²⁰² except Malawi, contain this article.

3.11.1 Residence - gains from the alienation of ships or aircraft

As observed, the majority of treaties²⁰³ allocate taxing rights of these gains to the resident state of the enterprise and not to the POEM state. This deviation is not South Africa’s stated position to the OECD Model, but National Treasury’s presentation on Article 8 Shipping and Air Transport²⁰⁴ can be applied to Article 13 and other articles where income is in connection with international transport.

3.11.2 Real property shares Article 13(4)

As observed in Chapter 2, eight treaties²⁰⁵ do not define the term “principally” Where a term is not defined in a treaty, it shall “have the meaning that it has at that time under the law of that State”,²⁰⁶ Furthermore, Article 6(2) in the treaties, holds that: “the term “immovable property” shall “have the meaning which it has under the law of the Contracting State in which the

²⁰¹ D.S. McAllister, SARS, *Comprehensive Guide to Capital Gains Tax*, Issue 7, (9 October 2018), available: <http://www.sars.gov.za/AllDocs/OpsDocs/Guides/LAPD-CGT-G01%20-%20Comprehensive%20Guide%20to%20Capital%20Gains%20Tax.pdf>.

²⁰² Annexure A.

²⁰³ Annexure C2.

²⁰⁴ PMG National Treasury, *supra* n.55.

²⁰⁵ Annexure C2.

²⁰⁶ SAICA: *Capital Gains Tax: Meaning of Immovable Property*, Issue 208, (January 2017), available: https://www.saica.co.za/integritax/2017/2575.Meaning_of_immovable_property.htm.

property in question is situated”. Thus, for these treaties, domestic legislation²⁰⁷ will prevail.

This omission may arise out of the other Contracting State’s domestic legislation, for example, Kenya from 1985-2015 had such an exclusion.²⁰⁸

3.12 Entertainers and Sportspersons – paid by public funds

It is not a South African recorded position to grant taxing rights to the state where the public funds arise; however, it would indicate a country’s willingness to promote cultural exchanges, see Mauritius example.²⁰⁹

3.13 Pensions - Article 18

3.13.1 Allocation of taxing rights

As observed, the treaties exclusively tax pensions in the source state. Although this is not a current South African position, it was a prior position on the OECD Model.²¹⁰ South African domestic law provides that South African residents’ pensions are taxed in full, and non-residents are only subject to tax if the pensions arise from a South African Source.²¹¹ The treaties have the same source rule for pensions paid from public funds, which is not a recorded South African position. However, both South Africa and other SSA countries like Kenya and Cameroon²¹² have public pension plans; therefore, it is likely that the treaties would allocate the same taxing rights as ordinary pensions.

²⁰⁷ Annexure C2.

²⁰⁸ Annexure C2.

²⁰⁹ Annexure C2.

²¹⁰ Earlier models contained South Africa’s position – (OECD Models 1997 – 2003);

²¹¹ P. Haupt, *Notes on South African Income Tax (2018)*, at Chapter 14. 37th Edition. South Africa: H & H Publications.

²¹² Annexure C2.

3.13.2 Annuities

The treaties include “annuities”, which is consistent to South Africa’s stated position to the OECD Article 18. The treaties, however, do not refer to “past employment” in the treaties’ definition of annuities.²¹³ Retirement annuities are permitted in South African domestic law similar to pensions,²¹⁴ but they may not necessarily arise out of income from past employment. Furthermore, South Africa wants to promote retirement savings²¹⁵ and therefore, annuities would be treated the same as pensions in the South African treaties.

3.14 Professors and Teachers – additional article

While this is not a recorded South African position, several treaties include this Article. For example, it is included in the treaty with Kenya to “encourage the movement of education professionals between the countries”.²¹⁶ Most of the newer treaties include this article which would indicate South Africa’s willingness to promote such engagement between the countries.

3.15 Other income – Article 21

As observed, 11 treaties allocate taxing rights to the source state, which is consistent with South Africa’s position on OECD Article 21.²¹⁷ National Treasury notes that “source state taxation is allowed”.²¹⁸

3.16 Article 23 – additional paragraph

The phrase “subject to the laws of South Africa” appears in the early treaties as a result of UK colonial laws, and re-emerged in South Africa’s treaties around 2001.²¹⁹ South Africa has

²¹³ Annexure C2.

²¹⁴ Income Tax Act, *supra* [n.144](#), at Section 1, Interpretation “*Retirement Annuity Fund*”.

²¹⁵ Annexure C2.

²¹⁶ Annexure C2.

²¹⁷ Para. 1. OECD: Positions on Article 21 (2014), Models IBFD.

²¹⁸ PMG National Treasury, *supra* [n.55](#).

²¹⁹ Annexure C2.

legislation that contains provisions for foreign tax credits under Section 6quat.²²⁰ National Treasury explains that “foreign tax credits are determined in accordance with the provisions of the respective domestic tax law”.²²¹

3.17 Non-discrimination – Article 24

The additional paragraph in Article 24, appears when STC was still levied on companies when they declared dividends and is consistent with South Africa’s recorded position in earlier OECD models.²²²

3.18 Summary

A summary of the findings in comparison to South Africa’s policies is presented in Annexure E. Of the 31 deviations observed in Chapter 2, 25 (81%) are influenced by South Africa’s policies in some way. The deviations are classified as follows:

- i) Seven deviations observed arise from the provisions of South African domestic law. These are: Article 2(1) and 2(2) omission of “capital” and the omission of Capital Article 22, omission of “partnerships” Article 3(1), interest exemption (Article 11), definition of royalties (Article 12), Article 23(1) “subject to the laws”, and STC in Article 2 and Article 24.
- ii) Sixteen deviations are consistent with South Africa’s stated positions on the OECD Model, namely, definition of person “any other body” phrase (Article 3), PEs include the UN Model provisions and the “professional services” (Article 5), limitations on payments to head office (Article 7(3)), various deviations in Article 8 shipping and air transport, no compulsion to make an adjustment (Article 9(2)), varied dividend WHT rates and beneficial ownership limits (Article 10(2)), royalties taxed at source and

²²⁰ Annexure C2.

²²¹ PMG National Treasury, *supra* [n.55](#).

²²² Annexure C2.

deemed source provision (Article 12), pensions also taxed at source and include “annuities” (Article 18), and other income may be taxed at source (Article 21). Several positions arise in South Africa’s domestic legislation.

- iii) Two deviations²²³ are mentioned in National Treasury’s presentation to parliament are: regarding the resident state, not the POEM state of the enterprise, in Article 8(1) for transport used in international traffic, and is also found in Article 13(3) for gains from the alienation of ships and aircraft. This also impacts Articles 3, 6, and 15.

Six deviations are not related to South African policies. Two deviations strengthen the source state right to tax, namely: visits paid by public funds (Article 17), and pensions arising from public schemes (Article 18). The additional article for Professors and Teachers is most likely from South Africa’s desire to promote education. The additional article for Technical Services is not a South African policy, but it is likely to have been included where the other Contracting State levy WHT on these fees. Two deviations are most likely a factor of the other Contracting State’s domestic laws, which are: the omission “wages and salaries” (Article 2), and “principally” not defined (Article 13(4)).

Of the 25 “South African” related deviations, 18²²⁴ align to the UN Model/Commentary. This further confirms that the treaties reviewed closely align to the South African treaty practice of following the OECD Model and incorporating provisions of the UN Model.

3.19 Conclusion

The purpose of this chapter was to determine whether the significant deviations in the South African treaties observed in Chapter 2 were due to South African domestic laws, South African positions on the OECD Model, or if these deviations were in the treaties at the insistence of the

²²³ PMG National Treasury, *supra* [n.55](#).

²²⁴ Annexure E.

other contracting state or other factors. This was achieved through an analysis of the significant deviations observed, compared to South Africa's recorded positions on the OECD Model, domestic tax legislation, and National Treasury information that is publicly available. The discussion also considered other possible reasons for these deviations.

In conclusion, the observable trend is that 25 of the 31 (81%)²²⁵ significant deviations are either aligned to South Africa's official stated position to articles of the OECD Model, or they are a factor of South Africa's domestic law provisions and National Treasury presentations. Of these, 18 align with the provisions of the UN Model. The effect of this practice, in the SSA treaties, is to allocate greater taxing rights to the source states. Chapter 1 notes that South Africa wants to grow in Sub-Saharan Africa, which indicates South Africa's willingness to offer reciprocity to other countries. Of the remaining six deviations, four either strengthen South Africa's policy of granting more taxing rights to the source states or promote South African interests.

The findings, therefore, suggest that there is a significant correlation between South Africa's treaty practices and the treaties South Africa has concluded with SSA countries.

4 Do the significant deviations observed in South Africa treaty practice appear in regional Sub-Saharan Africa taxation models?

4.1 Introduction

As discussed in Chapter 1, South Africa views the SSA region as an opportunity for economic growth,²²⁶ and as observed in Chapter 2, has concluded treaties with SSA countries which generally based on the OECD Model, incorporating the provisions of the UN Model. SSA countries are considered to be developing countries, and there is no international example available for treaties between developing countries. There are, however, regional tax models

²²⁵ Annexure E.

²²⁶ PMG National Treasury, *supra* [n.55](#).

available, including the SADC Model,²²⁷ the ATAF Model,²²⁸ and the EAC Agreement.²²⁹ Of the 18 treaties analysed, 11 are with SADC member countries, 16 with ATAF member countries, and 4 with EAC member countries.²³⁰ Countries are members of more than one regional organisation, for example, 11 of the 12 SADC member countries are ATAF members, and all four EAC member countries are ATAF members. The ATAF Model provides an “African approach to tax treaties for its members”,²³¹ the SADC is also a model for its member countries to use. The EAC agreement was designed for “negotiations by its members with third parties”.²³²

The basis for the regional models is as follows: the SADC Model follows the OECD Model and incorporates the provisions of the UN Model,²³³ and the ATAF Model follows the UN and OECD Models.²³⁴ The EAC agreement is “based on similar agreements developed by the OECD and UN”.²³⁵ Therefore, the regional models follow a similar theme as South Africa’s treaty practice of generally following the OECD Model with incorporating certain provisions of the UN Model. It is therefore expected that the deviations observed in the regional models would follow a similar trend to the deviations identified in the previous chapters.

The purpose of this chapter is to determine if South Africa’s treaties have been guided by the SSA regional models, or if these models have been influenced by South Africa’s treaty practice. This is achieved through a comparison of the articles of the regional models to the significant deviations observed in Chapter 2 and Chapter 3 to determine if a similar pattern

²²⁷ SADC Model, *supra* n.46.

²²⁸ ATAF Model, *supra* n.45.

²²⁹ EAC Agreement *supra* n.47.

²³⁰ Annexure D.

²³¹ ATAF Model, *supra* n.45.

²³² E. Quak and H. Timmis, *Double Taxation Agreements and Developing Countries*, Institute of Development Studies, Sec.3, (June 2018), available:

https://assets.publishing.service.gov.uk/media/5b3b610040f0b645fd592202/Double-Taxation-Treaties_and_Developing_Countries.pdf

²³³ SADC, *Overview*, in *SADC Commentary on the Articles of the SADC Model Tax Agreement*, Models IBFD.

²³⁴ ATAF Commentary, *supra* n.42. at Overview.

²³⁵ EAC: *The Double Taxation Avoidance Agreement of the East African Community Handbook*, available: http://eacgermany.org/wp-content/uploads/2014/12/EAC_DTAmannual_screen.pdf

occurs. As South Africa assisted in the ATAF and SADC model development, it is expected that these models include similar deviations as those observed in the treaty review, and while South Africa is not an EAC member, the EAC model may present similar trends because the four EAC member countries that South Africa has treaties with, are also ATAF members.²³⁶

4.2 Analysis of the significant deviations compared to the ATAF/SADC/EAC Models

An analysis was conducted on the articles of the regional models (ATAF, SADC, EAC), compared to the significant deviations observed in Chapter 2, and South Africa's treaty practices observed in Chapter 3, to determine if there is any notable trend. The detailed findings of the analysis are presented in Annexure G, and a summary by the model article of the significant deviations found for each regional model is presented in Annexure H. A further comparison of significant deviations by treaty country is presented in Annexure I. The findings are discussed below.

4.2.1.1 Capital – Article 2 and 22

The ATAF, SADC and EAC models do not include any reference to taxes on capital in Article 2, and also omit Article 22 “Taxation on Capital”. Both the ATAF²³⁷ and SADC Commentary²³⁸ state that this is because their member countries do not have taxes on capital in their domestic laws. This is consistent with South Africa's position. However, the ATAF Commentary permits member countries to include this article.²³⁹ There is a significant correlation in this deviation, as 81% of the treaties with ATAF, 73% SADC, and 100% EAC members include this deviation.²⁴⁰

²³⁶ Annexure F.

²³⁷ ATAF: *Commentary*, *supra* [n.42](#).

²³⁸ SADC: *Commentary*, *supra* [n.234](#), at Article 2.

²³⁹ ATAF: *Commentary*, *supra* [n.42](#), at Article 2 and Article 23 para.1.

²⁴⁰ Annexure H.

4.2.1.2 Definitions “persons” and “partnerships” in Article 3

All three regional models include the phrase “treated as an entity for tax purposes”. ATAF commentary notes this will “cover states where partnerships are not taxable”.²⁴¹ The ATAF and SADC Models omit “partnerships” from the definition of a “national”, but the SADC Commentary notes that the states can agree to include this.²⁴² Of the treaties²⁴³, 81% ATAF, 82% SADC and 100% EAC include this deviation.

4.2.1.3 Permanent Establishments – Article 5

All three regional models broaden the scope of a PE, in Article 5(2), and include the UN service PE provisions. The ATAF and SADC Models include the paragraph for “professional services”. Per SADC Commentary,²⁴⁴ this is in line with the general principles of the UN Model Article 14 “Independent Personal Services”. The EAC model includes Article 14, unlike the SADC and ATAF Models, which explains why the EAC does not need the additional paragraph. However, two²⁴⁵ of the 4 EAC members do not include Article 14 but include the professional services paragraph. On average, 75% ATAF, 77% SADC, and 81% EAC treaties include the deviations for PEs.

4.2.1.4 Business Profits - Article 7(3)

All three regional models contain limitations on payments made to head office, which aligns to South Africa’s treaty practice, The SADC commentary notes that this is to provide clarity on certain expenses that “may or may not be allowed as a deduction”.²⁴⁶ 75% ATAF, 73% SADC and 100% EAC treaties include this deviation.

²⁴¹ ATAF: *Commentary*, *supra* [n.42](#), at Article 3, para. 1(d).

²⁴² ATAF: *Commentary*, *supra* [n.42](#), at Article 3, and SADC Commentary *supra* [n.234](#) at Article 3.

²⁴³ Annexure H.

²⁴⁴ SADC: *Commentary*, *supra* [n.234](#), Article 5(3).

²⁴⁵ Refer treaties concluded between South Africa and Rwanda and Tanzania.

²⁴⁶ SADC: *Commentary*, *supra* [n.234](#), Article 7(3).

4.2.1.5 Shipping, inland waterways and air transport – Article 8

The ATAF and SADC Model Article 8(1) refer to the resident state of the enterprise, not the POEM state, while the EAC Model does refer to the POEM state. However, the EAC member countries treaties²⁴⁷ do not follow the EAC Model. Out of the treaties 94% ATAF, 91% SADC and 100% EAC treaties include this deviation. A similar trend is observed in Article 13(3).²⁴⁸

The ATAF and SADC models include income on a “bare boat basis” and “the leasing of containers”, which is consistent with the South African position on Article 8. The EAC Model Article 8(1) includes “rental of containers”. 81% ATAF, 82% SADC and 100% EAC treaties include this deviation.²⁴⁹

The SADC Model excludes inland waterways transport, while the EAC and ATAF Models do not. This is probably because unlike most SADC member countries, some of the ATAF or EAC member countries may have inland waterways which are used for international transportation. However, all the treaties reviewed have this exclusion.²⁵⁰

The terms “road and rail” are found in most of the SADC treaties (73%),²⁵¹ which is likely due to geographical necessity.

4.2.1.6 Associated Enterprises – Article 9

The regional models do not align with South Africa’s position to not allow an automatic right for an adjustment for transactions not at arm’ length. However, not all countries align with their regional models, as the majority of the treaties,²⁵² 56% ATAF, 64% SADC and 50% EAC, align with South Africa’s position.

²⁴⁷ Annexure I.

²⁴⁸ Annexure H.

²⁴⁹ Annexure H.

²⁵⁰ Annexure H and Annexure I.

²⁵¹ Annexure H.

²⁵² Annexure H.

4.2.1.7 Dividends - Article 10

The ATAF and SADC Models permit the negotiation of WHT limits which aligns to South Africa's position, while the EAC Model aligns to the OECD Model. The trend is that 94% ATAF, 82% SADC and 100% EAC treaties²⁵³ contain these deviations.

4.2.1.8 Interest – Article 11

The exemption on interest paid by the government is not included in the SADC Model or ATAF Model but occurs in the EAC Model. This exemption is included in South African legislation, and 69% ATAF, 64% SADC and 75% EAC treaties include this exemption.

4.2.1.9 Royalties - Article 12

All three regional models align with South Africa's position on royalties. The trend in the treaties²⁵⁴ of allocating taxing rights to the source state and including the "deemed royalty" provision is 88% ATAF, 82% SADC and 100% EAC, and that 94% ATAF, 91 SADC and 100% EAC treaties contain the broadened royalty deviation, which is a very high correlation.

4.2.1.10 Pensions - Article 18

All three models allocate taxing rights to the source state and include annuities, which is consistent with South Africa's stated position. The ATAF commentary notes that the term annuity "covers only recurrent payments".²⁵⁵ Of the treaties 94% ATAF, 91% SADC and 100% EAC include these deviations.

²⁵³ Annexure H.

²⁵⁴ Annexure H.

²⁵⁵ ATAF Commentary, *supra* [n.42](#), at Article 18.

4.2.1.11 Other income – Article 21

All three models include source state taxing rights, which consistent with South Africa's stated position. 81% ATAF, 82% SADC and 75% EAC treaties include the deviation.²⁵⁶

4.2.2 South Africa specific deviations

Deviations that are specific to South Africa are found in the majority of treaties in all three regions, even though the deviations are not included in the regional models. These refer to STC in Article 2 and 24, and Article 23 phrase "subject to the provisions of the laws", refer Annexure H.

4.3 Other deviations

There are significant deviations observed in Chapter 2 that do not arise from South Africa's position on the OECD Model, nor its domestic legislation. These are: Article 2 - omission of "wages and salaries" (SADC), Article 13(4) - no definition for "principally" (EAC), Article 17(3) - visits sponsored by public funds (all models), Article 18(3) - pensions paid from public schemes (all models), the additional articles for Technical Services (all models), and Professors and Teachers (SADC and EAC).²⁵⁷ The "wages and salaries" omission and "pensions from public schemes" deviations are in the majority of treaties for each region, whereas the rest of the deviations are not in a high majority.²⁵⁸

4.4 Summary and conclusion

The purpose of this chapter is to determine if these regional models have guided the South African treaties with other Sub-Saharan African countries, or if South Africa's treaty practices have influenced the regional models. To achieve this, an analysis was conducted to determine if

²⁵⁶ Annexure H.

²⁵⁷ Annexure H.

²⁵⁸ Annexure H.

the significant deviations observed in Chapter 2 and 3 were also present in the regional models (ATAF, SADC and EAC).

In summary, of the 31 significant deviations observed in Chapter 2, 24 (77%) also occur in the ATAF Model, 27(87%) in the SADC Model and 22(71%) in the EAC Model.²⁵⁹

Furthermore, 25 of the 31 significant deviations align with South Africa's treaty practices, as observed in Chapter 3. Of these, 20 (80%) deviations occur in the ATAF Model, 21 (84%) occur in the SADC Model, and 18 (72%) in the EAC Model, refer Annexure H. This demonstrates that there is a high correlation between the South Africa treaty practice and the regional models.

Not all the countries may follow their regional models, but an observation of the deviations by country per each region shows, on average, that 82% of the treaties concluded with ATAF member countries correlate to South Africa's treaty practice, similarly, 81% SADC, and 89% EAC treaties.²⁶⁰ While this is not a scientific exercise, and the "significance" factor is subjective, the findings present a definite trend where the treaties and the regional models strongly correlate to South Africa's treaty practice. The findings suggest that South Africa's treaty practices have significantly influenced the treaties, and to a certain degree have influenced the ATAF and SADC Models. As South Africa is not an EAC member, it is not party to the EAC agreement; however, there is a strong indication that South Africa's treaty practices have influenced the treaties concluded with EAC member countries. Therefore, it is concluded that South Africa treaty practices have significantly influenced the Sub-Saharan African treaties, and have influenced the ATAF and SADC regional models.

²⁵⁹ Annexure H.

²⁶⁰ Annexure H.

5 Conclusions and recommendations

The purpose of this dissertation has been to determine whether South Africa has been successful in implementing its stated tax treaty policy in the treaties concluded with Sub-Saharan African countries, as observed in the tax treaty practice, or have the treaties been influenced by the regional models. In particular, this dissertation sought to determine if the tax treaties negotiated between South Africa and other Sub-Saharan African countries deviate from the OECD and UN Model and to determine if the deviations arise as a consequence of South Africa's tax treaty policy, or a function of the other contracting state, or were guided by the SSA regional models (ATAF, SADC and EAC), or if South Africa's treaty practices have influenced these regional models.

Chapter 2 provided a discussion on South Africa's tax treaty policy, and if the SSA treaties were guided by this policy. It was found, based on a review of what is publicly available, that South Africa's treaty policy is to generally follow the OECD Model while incorporating provisions of the UN Model. Chapter 2 includes an analysis of 18 South African treaties concluded with SSA countries compared the prevailing OECD and UN Models to determine if there are any significant deviations and if there is an observable trend in these deviations. The findings are that of the 31 observable significant deviations, 22 (71%) occur as a result of the treaties include provisions of the UN Model, which suggests that the treaties align to South Africa's stated treaty practice of generally following the OECD model, with adaptations to include UN Model provisions. This results in the treaties, allocating greater taxing rights to the source countries.

Chapter 3 contains an analysis of the significant deviations identified in Chapter 2, provides possible reasons for these deviations, and to determine to what extent the deviations arise out of South Africa's treaty practices. Of the 31 significant deviations observed, 25(81%) arise out of

South Africa's practices, of which 16 (52%) arise from its positions on the OECD Model, 7 (23%) from its domestic legislation, and two specifically referenced in National Treasury presentations. Furthermore, of these 25 deviations, 18 arise as a result of the treaties incorporating the provisions of the UN model. The findings demonstrate that there is a high correlation between South Africa's treaty practices and the treaties it has concluded with SSA countries.

Chapter 4 considered whether the South African treaties were guided by the SSA regional models, or if South Africa's treaty practice influenced these models. This was achieved by comparing the articles of the regional tax models (ATAF, SADC, EAC) to the significant deviations observed in the treaty practice. The summary of the findings shows that of the 31 deviations observed in Chapter 2, 27 (87%) occur in the ATAF Model, 21 (84%) SADC and 22 (71%) EAC. As noted in Chapter 3, 25 of the 31 significant deviations arose from South Africa's treaty practice. There was a high correlation between the regional models and South Africa's treaty practices, as 20(80%) of these deviations occur in the ATAF Model, 21(84%) in the SADC Model, and 18(72%) are found in the EAC Model. The high correlation to South Africa's treaty practices is further demonstrated in the pattern of the countries per region, where 82% of the treaties concluded with ATAF member countries align to South Africa treaty practices, 81% of SADC member countries and 89% EAC member countries. This strong correlation suggests that South African treaty policies have significantly influenced the treaties and the ATAF and SADC regional models.

The final conclusion is South Africa has been successful in implementing its tax treaty practices on the treaties negotiated with SSA countries and has influenced the ATAF and SADC models.

Recommendations for further analysis are to consider changes arising from the latest 2017 OECD Model and the 2017 UN Model which includes a Technical Services article, and

changes arising from the OECD's Base Erosion Profit Shifting²⁶¹ project, specifically as Sub-Saharan African countries are increasingly concerned with the erosion of their tax base.

6 Listing of Annexures

Annexure A: South African tax treaties in force with African countries

See accompanying booklet

Annexure B: Comparative analysis of South Africa's tax treaties with Sub-Saharan African countries compared to the OECD and UN Models

See accompanying booklet

Annexure C1: Table of minor deviations or articles with no deviations

See accompanying booklet

Annexure C2: Table of significant deviations observed in the treaty analysis

See accompanying booklet

Annexure D: Summary of significant deviations found in the South African treaties with Sub-Saharan African countries compared to OECD and UN Models

See accompanying booklet

Annexure E: Summary of deviations compared to South Africa's OECD positions or domestic legislation

See accompanying booklet

Annexure F: List of Sub Saharan African countries and regional organisations

See accompanying booklet

Annexure G: Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC Models

See accompanying booklet

²⁶¹ OECD, *Base erosion and profit shifting*, available: <http://www.oecd.org/tax/beps/>

Annexure H: Summary of significant deviations compared to Sub-Saharan African regional models (ATAF, SADC, EAC)

See accompanying booklet

Annexure I: Table of significant deviations by treaty country

See accompanying booklet

Annexure J: South Africa trade statistics

See accompanying booklet

Annexure K: Table of withholding taxes in South Africa - Sub Saharan African treaties

See accompanying booklet

Bibliography

Books (Published)

Daurer, V. 2014. *Tax Treaties and Developing Countries*. Amsterdam, Netherlands: Wolters Kluwer.

Glaser, B.G. and Strauss. 1967. *The Discovery of Grounded Theory: Theories for Qualitative Research*. Mill Valley, California: Sociology Press; 1967.

Hattingh, J. Chapter 8: *South Africa in BRICS and the Emergence of International Tax Coordination* (Brauner, Y. and Pistone, P. eds., IBFD 2015), Online Books IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bric_head. [Last accessed 26 December 2018].

Haupt, P. 2018. *Notes on South African Income Tax* (2018), 37th Edition. South Africa: H & H Publications.

Holmes, K. 2014. *International Tax Policy and Double Tax Treaties - An Introduction to Principles and Application*. 2014 Edition. Amsterdam, Netherlands: Online Books IBFD. https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/itpd2014_head. [Last accessed 19 January 2019].

Honiball, M. & Olivier, L. 2011. *International Tax: A South African Tax Perspective* 2011 5th edition. Cape Town, South Africa: SiberInk.

Jones et al. *The Non-discrimination Article in Tax Treaties*, British Tax Review 1991 p359, quoted in Oliver and Honiball, at Ch. 18, para 4.3.

Lang, M. 2013. *Introduction to the Law of Double Taxation Conventions*, (2nd Revised Edition), Online Books, IBFD. https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/idtc2012_head. [Last accessed 30 January 2019].

Julien, R. 2017. *Chapter 9: Elimination of Double Taxation in The UN Model Convention and Its Relevance for the Global Tax Treaty Network* (M. Lang et al. eds. IBFD 2017), Online Books IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/unm_head. [Last accessed 19 January 2019].

Miller, A. *Taxing Cross-Border Services: Current Worldwide Practices and the Need for Change*, Online Books IBFD, available: <https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/itts>. [Last accessed 26 January 2019].

West, C. 2016. *From Colonialism to Apartheid: International influence on tax treaties in South Africa (1932 – 1990)*. (In Hattingh, J., Roeleveld, J. and West, C. (eds.), *Income Tax in South Africa: The First 100 Years: 1914 – 2014*. Cape Town, South Africa: Juta & Co Ltd.

Books (Unpublished)

Bland, T.L. 2013. *Use of and Variance from the United Nations Model Tax Treaty Clauses for Tax Treaties Concluded by a Group of Southern African Development Community Countries*. Masters Dissertation. Cape Town, South Africa: University of Cape Town. Available:

https://open.uct.ac.za/bitstream/item/5859/thesis_com_2013_bland_timothy.pdf?sequence=1. [Last accessed 14 April 2018].

Krause, F.A. 2015. *A Comparative Study of Double Tax Agreements in a Southern African Context*. Masters Dissertation. Pretoria, South Africa: University of Pretoria. Available:

https://repository.up.ac.za/bitstream/handle/2263/52988/Krause_Comparative_2016.pdf?sequence=1. [Last accessed 14 April 2018].

Data Sources

International Bureau of Fiscal Documentation Tax Research Platform (IBFD). 2018.

Available, by subscription through the University of Cape Town, https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=d&N=3+10+5302&ownSubscription=true&Nu=global_rollup_key&Np=1

International Fiscal Association Cahiers. 2018. Available via personal subscription,

<https://www.ifa.nl/cahiers>.

Legal Dictionary law.com: <http://dictionary.law.com/>

Double Tax Agreements or Conventions

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Botswana for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2003, including Protocol May 2013. In force. Available: Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Cameroon for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2015. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Democratic Republic of Congo for the Avoidance of Double Taxation and the Prevention

of Fiscal Evasion with respect to Taxes on Income. 2005. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Federal Democratic Republic of Ethiopia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes and Income. 2004. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Gabon for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2005. Not in force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Ghana for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and on Capital Gains. 2004. In force Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Kenya for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2010. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Kingdom of Lesotho for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2014. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Malawi for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 1971. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Republic of Mauritius for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2013. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Republic of South Africa and the Republic of Mozambique for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2007. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Republic of South Africa and the Republic of Namibia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains. 1998. In force Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Federal Republic of Nigeria for the Avoidance of Double Taxation and the Prevention of Fiscal

Evasion with respect to Taxes on Income and Capital Gains. 2000. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Republic of Rwanda for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and Capital Gains. 2002. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Republic of Seychelles for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 1998, including Protocol May 2011. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income - Appendix to Convention between United Kingdom and South Africa. – Territories – Sierra Leone. 1960. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Kingdom of Swaziland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2004. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the United Republic of Tanzania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2005. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Convention Between the Government of the Republic of South Africa and the Government of the Republic of Uganda for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 1997. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Zambia: Agreement Between the Government of the Union of South Africa and the Government of the Federation of Rhodesia and Nyasaland for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 1956. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Government of the Republic of South Africa and the Government of the Republic of Zimbabwe for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income. 2015. In force. Treaties, IBFD. [Last accessed 21 June 2018].

Agreement Between the Kingdom of Sweden and the Government of the Republic of Mauritius for the Avoidance of Double Taxation and the Prevention of Fiscal

Evasion with respect to Taxes on Income and on Capital. 2011. In force. Treaties, IBFD. [Last accessed 26 January 2019].

SARS *Double Taxation Agreements and Protocols*, available:

<http://www.sars.gov.za/Legal/International-Treaties-Agreements/DTA-Protocols/Pages/default.aspx>. [Last accessed 26 January 2019].

Global Tax Treaty Commentaries

Vann, R.J. *General Introduction - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_intro. [Last accessed 1 September 2018].

Cui, W. *Article 2 – Taxes Covered – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article2. [Last accessed 27 May 2018].

Ostaszewska, O. *Articles 3, 29, 30 and 31 – Definitions and Scope in Place and Time – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article3. [Last accessed 21 April 2018].

Obuoforibo, B.R. *Article 4: Resident - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article4. [Last accessed 2 April 2018].

Arnold, B.J. *Article 5: Permanent Establishment - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article5_pe. [Last accessed 25 October 2018].

Sasseville, J. and Vann, R.J. *Article 7: Business Profits - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article7. [Last accessed 16 July 2018].

Maisto, G. *Article 8: International Transport and Other Operations - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article8. [Last accessed 15 July 2018].

Baistrocchi, E. *Article 9: Associated Enterprises - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article9. [Last accessed 15 April 2018].

Harris, P.A. Article 10: Dividends - *Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article10. [Last accessed 15 April 2018].

Martín Jiménez, A.J. Article 12: *Royalties - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article12. [Last accessed 15 April 2018].

Li, J. and Avella, F. Article 13: *Capital Gains - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article13. [Last accessed 15 April 2018].

Sengupta, D.P. Article 14: *Independent Personal Services - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article14. [Last accessed 6 May 2018].

Roeleveld, J. and Tetlak, K. Article 17: *Entertainers and Sportspersons - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article17. [Last accessed 1 September 2018].

Brown, P. Articles 18 and 19(2): *Pensions – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article18. [Last accessed 24 July 2018].

Roeleveld, J. Article 27: *Assistance in the Collection of Taxes - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD. Available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gttc_article27. [Last accessed 22 April 2018].

Online resources

South Africa 20 Year Review (20YR) - Chapter 5 Infrastructure- Government Publication, available: <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Chapter%205%20Infrastructure.pdf> [Last accessed 20 January 2019].

A History of Apartheid in South Africa, available: <http://www.sahistory.org.za/article/history-apartheid-south-africa>. [Last accessed 1 September 2018].

Africa Logistics Network, *22 Countries have now Signed the Tripartite Agreement*, (19 February 2018), available <https://www.africalogisticsnetwork.com/notizia-reviews/22-countries-have-now-signed-the-tripartite-agreement/>. [Last accessed 31 January 2019].

Arnold, B. *An Introduction to Tax Treaties, 2015 United Nations - Documents* http://www.un.org/esa/ffd/wp-content/uploads/2015/10/TT_Introduction_Eng.pdf. [Last accessed 1 September 2018].

Arnold, *The Taxation of Income from Services*, Papers on Selected Topics in Protecting the Tax Base of Developing Countries, Draft Paper No. 2 (May 2013), UN, available https://www.un.org/esa/ffd/wp-content/uploads/2014/10/20140604_Paper2_Arnold.pdf. [Last accessed 20 January 2019].

ATAF, *African Tax Administration Forum*, available: <https://www.ataftax.org/>. [Last accessed 20 January 2019].

Binder, A. and Siller, S. *Chapter 5: Passive Income in The UN Model Convention and Its Relevance for the Global Tax Treaty Network*, (M. Lang et al. eds, IBFD 2017), Online Books IBFD, available https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/unm_head. [Last accessed 19 January 2019].

Brandstetter, P. *Taxes Covered*, Ch.2, Online Books IBFD, available <https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/tc>. [Last accessed 27 May 2018].

Botswana Investment and Trade Centre, Mining, available: <https://www.gobotswana.com/sector/mining>. [Last accessed 26 January 2019]

Deloitte, *Taxation and Investment in South Africa 2016*, available: <https://www2.deloitte.com/content/dam/Deloitte/cn/Documents/international-business-support/deloitte-cn-ibs-south-africa-tax-invest-en-2016.pdf>, [Last accessed 20 January 2019].

EAC, *East African Community*, available: <https://www.eac.int/>. [Last accessed 20 January 2019].

ECOWAS: *Economic Community of West African States*, available <http://www.ecowas.int/>. [Last accessed 20 January 2019].

EY, *Global Tax Alert, Kenya Reintroduces Capital Gains Tax*, Oct. 2014, available: <https://www.ey.com/gl/en/services/tax/international-tax/alert--kenya-reintroduces-capital-gains-tax>. [Last accessed 26 January 2019].

Games, D. *South Africa's Economic Engagement in Sub-Saharan Africa: Drivers, Constraints and Future Prospects*, (2017) Chatham House; available at <https://www.chathamhouse.org/sites/files/chathamhouse/publications/research/2017-11-02-south-africa-economic-engagement-games-final.pdf>. [Last accessed 20 January 2019].

Gutuza, T. *Enterprise Services (South Africa)*, IFA Cahiers Vol 97a. 2012. IFA, available: <https://www.ifa.nl/my-ifa/cahiers/2012/97a/south-africa>. [Last accessed 19 January 2019].

Hattingh, J. *On the Origins of Model Tax Conventions: Nineteenth-Century German Tax Treaties and Laws Concerned with the Avoidance of Double Tax*, In J. Tiley, Ed., *Studies in the History of Tax Law*, vol. 6, (Oxford 2013), 31-79.

Hattingh, J. IFA Cahiers 9b, *Key practical issues to eliminate double taxation of business income - South Africa Report*, (IFA Cahiers 2011), Volume 2 para.1, available: https://www.ifa.nl/media/2443/ifacahier_2011_volume2_b-southafrica.pdf. [Last accessed 19 January 2019].

Hattingh, P.J. *South Africa in BRICS and the Emergence of International Tax Coordination*, (Y. Brauner & P. Pistone eds., IBFD 2015), Online Books IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bric_p02_c08 [Last accessed 30 January 2019].

Hattingh, J. 2017. *South Africa - Business and Investment, updated 1 December 2017*, Country Surveys IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/gthc_za_chaphead [Last accessed 30 January 2019].

Hattingh, P.J. *South Africa - Corporate Taxation*, Country Analyses IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/cta_za_s_5. [Last accessed 20 Jan. 2019].

IATA: *Current Airline Members*, available: <https://www.iata.org/about/members/Pages/airline-list.aspx> [Last accessed 30 January 2019].

Iweriebor, E. *The Colonization of Africa*, available: <http://exhibitions.nypl.org/africanaage/essay-colonization-of-africa.html>. [Last accessed 20 Jan. 2019].

Kache, R. *Namibia Transit Transport System, Expert Meeting on Regional Cooperation in Transit Transport: Solutions for Landlocked and Transit Developing Countries*, September 2007, available at http://unctad.org/sections/wcmu/docs/c3em30p19_en.pdf. [Last accessed 20 Jan. 2019].

Kruger, L. IFA Cahiers: *Non-discrimination at the Crossroads of International Taxation - South Africa*, 2008 - Volume 93A, available: https://www.ifa.nl/media/2654/ifacahier_2008_volume1_south_africa.pdf [Last accessed 30 Jan. 2019].

Lennard, M. *The UN Model Tax Convention as Compared with the OECD Model Tax Convention – Current Points of Difference and Recent Developments*, 15 Asia-Pac. Tax Bull. 1 (2009), Journals IBFD, available: <https://online-ibfd->

org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/aptb_2009_01_int_1. [Last accessed 26 January 2019].

Lesotho Revenue Authority, Income Tax Public Ruling - Withholding Taxes, available: <http://www.lra.org.ls/sites/default/files/2017-03/Withholding%20Tax%20Public%20Ruling.pdf>. [Last accessed 26 January 2019]/

Mazansky, E. 2009. *South Africa's Treaty Network – Why is South Africa the meat in the sandwich?* Bulletin for International Tax, 63(4) Amsterdam, Netherlands: Journals IBFD, available: <https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bifd040903>. [Last accessed 19 January 2019].

McAllister, D.S. *SARS: Comprehensive Guide to Capital Gains Tax*, Issue 7, (9 October 2018), available: <http://www.sars.gov.za/AllDocs/OpsDocs/Guides/LAPD-CGT-G01%20-%20Comprehensive%20Guide%20to%20Capital%20Gains%20Tax.pdf>. [Last accessed 20 January 2019].

McIntyre, M.J. *Developing Countries and International Cooperation on Income Tax Matters: An Historical Review*, (Adapted, and Updated from Appendix B of *Tax Policy for Developing and Transitional Countries in the Global Economy*, Bird R.M, Fox W.F, McIntyre M.J. Unpublished Manuscript, 2003), available at: <http://docplayer.net/17186435-Developing-countries-and-international-cooperation-on-income-tax-matters-an-historical-review.html>. [Last accessed 1 September 2018].

Mozambique: *Transportation, Export.Gov* available: <https://www.export.gov/article?id=Mozambique-Transport>. [Last accessed 1 September 2018].

National Treasury, *Strengthening Retirement Savings: An Overview of Proposals Announced in the 2012 Budget*, 14 May 2012, available: <http://www.treasury.gov.za/publications/RetirementReform/20120314%20-%20Strengthening%20retirement%20savings.pdf>. [Last accessed 30 January 2019].

OECD, *Base erosion and profit shifting*, available: <http://www.oecd.org/tax/beps/>. [Last accessed 30 January 2019].

OECD: *Countries - Ghana*, available: <http://www.oecd.org/countries/ghana/48748614.pdf> [Last accessed 26 January 2019].

OECD, Discussion Draft: *Tax Treaty Issues Arising from Cross Border Pensions*, 14 November 2003, available at <https://www.oecd.org/ctp/treaties/19239649.pdf> [Last accessed 26 January 2019].

OECD *Key Partners*, available: <http://www.oecd.org/global-relations/keypartners/>. [Last accessed 26 January 2019]. [Last accessed 26 January 2019].

OECD *Proposed Changes to the OECD Model Convention Dealing with the Operation of Ships and Aircraft in International Traffic*: Public Discussion Draft (OECD 2013), <https://www.oecd.org/tax/treaties/Discussion-draft-international-taffic.pdf>. [Last accessed 19 January 2019].

OECD *Revised Discussion Draft of a new Article 7 of the OECD Model Tax Convention*, para.7, (January 2010), available: <https://www.oecd.org/tax/treaties/44104593.pdf>. [Last accessed 19 January 2019].

Oguttu, A.W. *Resolving Treaty Disputes: The Challenges of Mutual Agreement Procedures with a Special Focus on Issues for Developing Countries in Africa*, Bulletin for International Taxation, p724, December 2016, Journals, IBFD. https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bit_2016_12_int_2. [Last accessed 19 January 2019].

Parliamentary Monitoring Group, Finance Standing Committee, *Agreement on Establishment of African Tax Administration Forum (ATAF): South African Revenue Service briefing*, 7. June 2011, available: <https://pmg.org.za/committee-meeting/13033/>. [Last accessed 12 January 2019].

Parliamentary Monitoring Group, SARS and National Treasury *Overview of International Agreements, a briefing to the Select Committee on Finance by SARS and National Treasury on the different types of tax agreements, including Double Tax Agreements*, 27 August 2014. Available: <https://pmg.org.za/committee-meeting/17440/>. [Last accessed 12 January 2019].

Parliamentary Monitoring Group, *Tax treaties & double-taxation agreements with Cameroon, Qatar, Hong Kong, Lesotho, Cyprus*; Presentation by National Treasury to the NCOP, 28 April 2005. Available: <https://pmg.org.za/committee-meeting/20740/>. [Last accessed 12 January 2019].

Parliamentary Monitoring Group: Finance Standing Committee, Minutes, “*Double Taxation Agreements with Ghana, Turkey, Gabon and Congo (DRC) Ratification*”, 24 May 2005, available: <https://pmg.org.za/committee-meeting/5126/>. [Last accessed 12 January 2019].

Parliamentary Monitoring Group: Finance Standing Committee Minutes: *Double Taxation / Tax Information Exchange Agreements: Seychelles, Malaysia, Austria and others*, 10 October 2011, available <https://pmg.org.za/committee-meeting/13467/>. [Last accessed 12 January 2019].

Parliamentary Monitoring Group: *Explanatory Memorandum on the Double Taxation Convention between the Republic of South Africa and the Republic of Cameroon*, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/130619convention.pdf> [Last accessed 20 January 2019].

Parliamentary Monitoring Group: *Explanatory Memorandum on the Double Taxation Convention between the Government of the Democratic Republic of Congo and the Government of the Republic of South Africa*, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/2005/050525congomemo.pdf>. [Last accessed 20 January 2019].

Parliamentary Monitoring Group: *Explanatory Memorandum on the Double Taxation Convention between the Republic of South Africa and the Republic of Mozambique*, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/2005/050817mozammemo.pdf>. [Last accessed 12 January 2019].

PMG National Treasury Presentation to the Portfolio Committee on Finance, “*Budget 2003 – Tax Proposals*” (31 May 2004), available: <https://pmg.org.za/committee-meeting/3578/>. [Last accessed 20 January 2019].

Parliamentary Monitoring Group: *National Treasury presentation to the Finance Standing Committee, Double Taxation Agreements with UK & Kenya: briefing & approval*, 8 February 2011, available: <https://pmg.org.za/committee-meeting/12515/>

Paudel, R.C. *Landlockedness and Economic Growth: New Evidence". Growth and Export Performance of Developing Countries: Is Landlockedness Destiny?* 2012, available: https://openresearch-repository.anu.edu.au/bitstream/1885/12009/1/Paudel_R.C._2013.pdf [Last accessed 12 January 2019].

PKF, *Cameroon Tax Guide*, (2016/2017), available: <https://www.pkf.com/media/10028398/cameroon-tax-guide-2016-17.pdf> [Last accessed 29 January 2019].

PWC Report, *Democratic Republic of Congo, Africa Gearing Up*, available: <https://www.pwc.com/gx/en/transportation-logistics/publications/africa-infrastructure-investment/assets/drc.pdf>. [Last accessed 29 January 2019].

PWC, *Worldwide Tax Summaries, Zimbabwe, Corporate- Withholding Taxes*, available: <http://taxsummaries.pwc.com/ID/Zimbabwe-Corporate-Withholding-taxes>. [Last accessed 29 January 2019].

Quak, E. and Timmis, H. *Double Taxation Agreements and Developing Countries*, Institute of Development Studies, (June 2018), available: https://assets.publishing.service.gov.uk/media/5b3b610040f0b645fd592202/Double-Taxation-Treaties_and_Developing_Countries.pdf. [Last accessed 29 January 2019].

Rocha, S.A. *The Taxation of Non-Resident Rental Income from Movable Property in the Tax Treaties Concluded by Brazil*, 71 Bulletin for International Taxation, 9 (2017), Journals IBFD. https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bit_2017_09_br_1. [Last accessed 12 January 2019].

Roeleveld, J and West, C. *Is there a permanent establishment?* South Africa, IFA Cahiers 2009 - Volume 94A, available: <https://www.ifa.nl/my-ifa/cahiers/2009/94a>. [Last accessed 12 January 2019].

Ross, A. *Congo to seek up to \$500 million in budget support from World Bank*, Africatech, 17 May 2016, available: <https://af.reuters.com/article/drcNews/idAFL5N18E3B5>. [Last accessed 12 January 2019].

SADC: *Southern African Development Community*, available: <https://www.sadc.int/>. [Last accessed 12 January 2019].

SAICA: *Capital Gains Tax: Meaning of Immovable Property*, Issue 208, (January 2017), available: https://www.saica.co.za/integritax/2017/2575._Meaning_of_immovable_property.htm. [Last accessed 12 January 2019].

SAICA: *Transfer Pricing – Section 31 Further Analysis*, *Integritax*, November 2013 Issue 170, available: https://www.saica.co.za/integritax/2013/2256._Section_31_%C3%BB_Further_analysis.htm [Last accessed 20 January 2019].

SARS: *Withholding Tax on Interest*, available: <http://www.sars.gov.za/TaxTypes/WTI/Pages/default.aspx>. [Last accessed 12 January 2019].

Seiler, M. *Exit Taxation Arising from a Deemed Disposal of Shares*, Tax Treaty Case Law Monitor, Bulletin for International Taxation, November 2013, Journals IBFD. [Last accessed 26 January 2019] available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/bit_2013_11_za_1 [Last accessed 30 January 2019].

Senkhane, M. *Ethiopia: Ministry exerting efforts to leverage mining industry*, MiningNews, 8 April 2017, available: <http://www.miningnews.com/2017/04/18/ethiopia-ministry-exerting-efforts-to-leverage-mining-industry/#> [Last accessed 12 January 2019].

Serletis, G. *South Africa Is a Leading Producer and Supplier of Services in Africa*, *Executive Briefing on Trade*, U.S. International Trade Commission (USITC), (October 2015), available: https://www.usitc.gov/publications/332/executive_briefings/sa_services_ebot10_16.pdf. [Last accessed 12 January 2019].

Snyckers, M. ENS: *Foreign Tax Credits - Recent Developments*, available: <https://www.ensafrica.com/newsletter/briefs/taxMay09foreign.html> [Last accessed 30 January 2019].

South Africa 20 Year Review- Chapter 5 Infrastructure- Government Publication, available: <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Chapter%205%20Infrastructure.pdf>. [Last accessed 26 January 2019].

South African Government: *Old Age Pension*, available: <https://www.gov.za/services/social-benefits-retirement-and-old-age/old-age-pension>. [Last accessed 26 January 2019].

Steenkamp, L. *The Permanent Establishment Concept In Double Tax Agreements Between Developed And Developing Countries: Canada/South Africa As A Case In Point*, International

Business and Economics Research Journal May/June 2014, available:

https://www.researchgate.net/publication/261913389_The_Permanent_Establishment_Concept_In_Double_Tax_Agreements_Between_Developed_And_Developing_Countries_CanadaSouth_Africa_As_A_Case_In_Point. [Last accessed 30 January 2019].

Strauss, A. and Corbin, J. 2008. *Basics of Qualitative Research: Techniques and Procedures of Developing Grounded Theory*, 2008, referred in S.T. Leboea, *The Factors Influencing SME Failure in South Africa*, 2017. University of Cape Town, available: <http://hdl.handle.net/11427/25334>. [Last accessed 19 January 2019].

SSA: Social Security Programs Throughout the World: Africa, 2011:Cameroon, available: <https://www.ssa.gov/policy/docs/progdesc/ssptw/2010-2011/africa/cameroon.html>. [Last accessed 30 January 2019].

STATSSA (Statistics South Africa), *Key findings: P2041 - Mining: Production and Sales*, March 2018, available: http://www.statssa.gov.za/?page_id=1856&PPN=P2041&SCH=7203. [Last accessed 12 January 2019].

TanzaniaInvest.com, *Tanzania Mining*, available: <https://www.tanzaniainvest.com/mining>. [Last accessed 30 January 2019].

Trading Economics: South Africa export data available: <https://tradingeconomics.com/south-africa/exports-by-country>[Last accessed 30 January 2019].

United Nations: *Committee of Experts on Tax Matters*, available: <http://www.un.org/esa/ffd/tax/members.htm>. [Last accessed 30 January 2019].

United Nations (2013). *Handbook on Selected Issues in Administration of Double Tax Treaties for Developing Countries*, 2013. <https://www.un.org/development/desa/capacity-development/tools/tool/un-handbook-on-selected-issues-in-administration-of-double-tax-treaties-for-developing-countries/>[Last accessed 30 January 2019].

UN Committee of Experts on International Cooperation in Tax Matters, available: <https://www.un.org/esa/ffd/ffd-follow-up/tax-committee.html> [Last accessed 31 January 2019].

UN Committee of Experts on International Cooperation in Tax Matters, *Tax consequences of the digitalized economy*, 15th session, sec.B. (October 2017), available: http://www.un.org/ga/search/view_doc.asp?symbol=E/2018/45&Lang=E. [Last accessed 20 January 2019].

United Nations: *The United Nations and South Africa*, available: <http://www.un.org.za/about/>. [Last accessed 20 January 2019].

WATAF, *West African Tax Administration Forum*, available: <http://wataf-tax.org/>. [Last accessed 30 January 2019].

West, C. 2016. Status Quo of South African Tax Treaty Policy. *Status Quo of South African Tax Treaty Policy (南非现行税收协定政策考察)*, *International Taxation in China*. Issue 11 (ISSN: 2095-6126). Available: SSRN: <https://ssrn.com/abstract=2882413> [Last accessed 20 January 2019].

Wintsch, A. *Attribution of Profits to Permanent Establishments: The 2008 Article 7 versus the 2010 Article 7 of the OECD Model Tax Convention*, *International Transfer Pricing Journal*, September/October 2017, Journals IBFD, available: https://online-ibfd-org.ezproxy.uct.ac.za/kbase/#topic=doc&url=/document/itpj_2017_05_int_3. [Last accessed 19 January 2019].

World Bank Group (US), *Gross Domestic Product 2017*, available: <https://databank.worldbank.org/data/download/GDP.pdf>. [Last accessed 31 January 2019].

Model Tax Agreements or Conventions

African Tax Administration Forum (ATAF). 2016. *ATAF Model Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income*. 2016. Not yet in force. Available: Models, IBFD. [Last accessed 15 October 2018].

Commentary on the Articles: The ATAF Model Tax Agreement (2016), Models IBFD [Last accessed 15 October 2018].

East African Community (EAC). 2010. *Agreement Between the Governments of the Republics of Kenya, Uganda, Burundi, Rwanda and the United Republic of Tanzania for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income*. 2005. *The Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income*. 2010. Not yet in force. Available: Models IBFD. [Last accessed 15 October 2018].

EAC, Introduction in The Double Taxation Avoidance Agreement of the East African Community Handbook, available: http://eacgermany.org/wp-content/uploads/2014/12/EAC_DTAmannual_screen.pdf. [Last accessed 12 January 2019].

Organisation for Economic Co-operation and Development. 1963. *Model Tax Convention on Income and Capital (Draft)*, OECD, (30 July 1963), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 1997. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (April 1977), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 1992. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (September 1992), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 1996. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (September 1996), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 1998. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (June 1998), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2000. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (April 2000), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2003. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (January 2003), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2005. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (July 2005), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2008. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (July 2008), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2010. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (July 2010), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2014. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (July 2014), Models IBFD. [Last accessed 15 October 2018].

Organisation for Economic Co-operation and Development. 2017. *Model Tax Convention on Income and Capital (condensed version)*, OECD, (November 2017), Models IBFD. [Last accessed 15 October 2018].

Southern African Development Community. 2011. *SADC Model Tax Agreement* (September 2011). A product of the SADC Tax Subcommittee and Tax Agreements Working Group, Models IBFD. [Last accessed 15 October 2018].

SADC, *Commentary on the Articles of the SADC Model Tax Agreement*, (2011) Models IBFD. [Last accessed 20 January 2019].

United Nations Model. 1980. *United Nations Model Taxation Convention between Developed and Developing Countries*, UN, (January 1980), Models IBFD. [Last accessed 15 October 2018].

United Nations. 2001. *United Nations Model Double Taxation Convention between Developed and Developing Countries*, UN, (January 2001), Models IBFD. [Last accessed 15 October 2018].

United Nations. 2011. *United Nations Model Double Taxation Convention between Developed and Developing Countries*, UN, (January 2011), Models IBFD. [Last accessed 15 October 2018].

United Nations. 2017. *United Nations Model Double Taxation Convention between Developed and Developing Countries*, UN, (May 2017), Models IBFD. [Last accessed 15 October 2018].

Statutory Instruments, Interpretation Notes, Memoranda, and Regulations

South Africa, Income Tax Act 58 of 1962, as amended 20 May 2016. South Africa: Government Gazette 40006.

SARS, Interpretation Note No. 6 Issue 2, *Resident - Place of Effective Management - Companies*, 3 November 2015, available: <http://www.sars.gov.za/AllDocs/LegalDoclib/Notes/LAPD-IntR-IN-2018-12-Arc-12%20-%20IN6%20-%20Resident%20Place%20Effective%20Management.pdf>. [Last accessed 26 January 2019].

List of African treaty countries	Sub-Saharan Africa (Y/N)	Publication details	Conclusion Date	Publication Date	Date of Entry into Force	Models used in Treaty Comparison	
		Government Gazette No.				OECD Model version	UN Model Version
Algeria	N	<u>GG 21303</u>	<i>Not in scope</i>	21 June 2000	12 June 2000	<i>Not in scope</i>	
Botswana	Y	<u>GG 26342</u>	7 August 2003	12 May 2004	20 April 2004	2003	2001
Botswana Protocol	Y	<u>GG 39485</u>	21 May 2013 (signed)	11 December 2015	19 August 2015	2010	2011
Cameroon with Protocol	Y	<u>GG 41082</u>	19 February 2015	1 September 2017	13 July 2017	2014	2011
Democratic Republic of Congo	Y	<u>GG 35805</u>	29 April 2005	24 October 2012	18 July 2012	2003	2001
Egypt	N	<u>GG 19706</u>	<i>Not in scope</i>	22 January 1999	16 December 1998	<i>Not in scope</i>	
Ethiopia	Y	<u>GG 28494</u>	17 March 2004	10 February 2006	4 January 2006	2003	2001
Ghana	Y	<u>GG 29856</u>	2 November 2004	18 May 2007	23 April 2007	2003	2001
Kenya	Y	<u>GG 39422</u>	26 November 2010	19 November 2015	19 June 2015	2010	2001
Lesotho	Y	<u>GG 40088</u>	18 September 2014	24 June 2016	27 May 2016	2014	2011
Lesotho (Replaced – see GG 40088)	Y	<u>GG 17948</u>	<i>Replaced</i>	22 April 1997	9 January 1997	<i>replaced, not compared</i>	
Malawi	Y	<u>GG 1479</u>	3 May 1971	13 August 1971	2 September 1971	1963	N/A
Mauritius	Y	<u>GG 38862</u>	17 May 2013	17 June 2015	28 May 2015	2010	2011
Mauritius (Replaced - see GG 38862)	Y	<u>GG 18111</u>	<i>Replaced</i>	2 July 1997	20 June 1997	<i>replaced, not compared</i>	
Mozambique	Y	<u>GG 31983</u>	18 September 2007	13 March 2009	19 February 2009	2005	2001
Namibia	Y	<u>GG 19780</u>	18 May 1998	19 February 1999	11 April 1999	1996	1980
Nigeria	Y	<u>GG 31241</u>	29 April 2000	22 July 2008	5 July 2008	2000	1980
Rwanda	Y	<u>GG 33475</u>	5 December 2002	27 August 2010	3 August 2010	2000	2001
Seychelles	Y	<u>GG 25646</u>	26 August 1998	30 October 2003	29 July 2002	1998	1980
Seychelles Protocol	Y	<u>GG 35396</u>	2011	6 June 2006	15 May 2012	2010	2011
Sierra Leone	Y	<u>Proclamations 299 of 1946, 271 of 1954 and 32 of 1961</u>			5 October 1960	<i>Not in scope</i>	
Swaziland	Y	<u>GG 27637</u>	23 January 2004	1 June 2005	8 February 2005	2003	2001
Tanzania	Y	<u>GG 30039</u>	22 September 2005	4 July 2007	15 June 2007	2005	2001
Tunisia	N	<u>GG 20728</u>	<i>Not in scope</i>	15 December 1999	10 December 1999	<i>Not in scope</i>	
Uganda	Y	<u>GG 22313</u>	27 May 1997	24 May 2001	9 April 2001	1996	1980
Zambia	Y	<u>See Proclamations 174 of 1956 and 60 of 1960</u>			31 August 1956	<i>Not in scope</i>	
Zimbabwe (Revised)	Y	<u>GG 40577</u>	4 August 2015	27 January 2017	1 December 2016	2014	2011
Zimbabwe	Y	<u>GG 1234</u>	<i>Replaced</i>	24 September 1956	3 September 1956	<i>replaced, not compared</i>	

Source: [http://www.sars.gov.za/Legal/International-Treaties-Agreements/DTA-Protocols/Pages/DTAs-and-Protocols-\(Africa\).aspx](http://www.sars.gov.za/Legal/International-Treaties-Agreements/DTA-Protocols/Pages/DTAs-and-Protocols-(Africa).aspx)

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COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
BOTSWANA	Entry into force: 20 April 2004 Conclusion date: 7 Aug. 2003				OECD Model 2003	UN Model 2001
Botswana	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Botswana	Taxes covered	Taxes covered	Article 2(1)	No Treaty Reference	Treaty Article 2 does not contain the OECD Article 2(1) paragraph.	Treaty Article 2 does not contain the UN Article 2(1) paragraph.
Botswana	Taxes covered	Taxes covered	Article 2(2)	N/A	Treaty Article 2 does not contain the OECD Article 2(2) paragraph.	Treaty Article 2 does not contain the UN Article 2(2) paragraph.
Botswana	Taxes covered	Taxes covered	Article 2(3)	Article 2(1)	Corresponding Treaty Article 2(1). Besides income tax, other taxes: (a) in Botswana: (ii) the capital gains tax; (b) in South Africa: (ii) the secondary tax on companies.	Corresponding Treaty Article 2(1). Besides income tax, other taxes: (a) in Botswana: (ii) the capital gains tax; (b) in South Africa: (ii) the secondary tax on companies.
Botswana	Taxes covered	Taxes covered	No OECD Reference	Article 2(2)	Article 2(2) of the Treaty is an additional paragraph, specifically mentions tax on the profits of a mineral enterprise and that nothing in the Treaty "shall limit the right of either Contracting State to charge tax on the profits of a mineral enterprise at an effective rate different from that charged on profits of any other enterprise". The Treaty also defines "mineral enterprise" means "enterprise carrying on the business of mining".	Article 2(2) of the Treaty is an additional paragraph, specifically mentions tax on the profits of a mineral enterprise and that nothing in the Treaty "shall limit the right of either Contracting State to charge tax on the profits of a mineral enterprise at an effective rate different from that charged on profits of any other enterprise". The Treaty also defines "mineral enterprise" means "enterprise carrying on the business of mining".
Botswana	Taxes covered	Taxes covered	No OECD Reference	Article 2(3)	Article 2(3) of the Treaty is an additional paragraph that is not in the OECD Model. This paragraph states: "notwithstanding the other provisions of this Convention, where Botswana tax is paid or payable in accordance with a tax agreement under the Botswana Income Tax Act, this Convention shall not apply except to such extent as may be provided in such tax agreement and mutually agreed by the competent authorities".	Article 2(3) of the Treaty is an additional paragraph that is not in the UN Model. This paragraph states: "notwithstanding the other provisions of this Convention, where Botswana tax is paid or payable in accordance with a tax agreement under the Botswana Income Tax Act, this Convention shall not apply except to such extent as may be provided in such tax agreement and mutually agreed by the competent authorities".
Botswana	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	Treaty Article 2(4) states: "in their respective taxation laws" whereas the OECD Model states: "in their taxation laws".	Treaty Article 2(4) states: "in their respective taxation laws", whereas the UN Model second sentence only reads "to their tax law".
Botswana	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Botswana" means the Republic of Botswana; (b) the term "South Africa" means the Republic of South Africa; the treaty further defines Botswana and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term Botswana" means the Republic of Botswana; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Botswana and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Botswana	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(j)	OECD Model states that the term "person" includes "an individual, a company and any other body of persons", whereas the paragraph 3(1)(j) in the Treaty further includes as a person "a trust and an estate". Treaty also refers to; "any other body of persons that is treated as an entity for tax purposes", which is not in the OECD Model Article.	UN Model Article 3(1)(a) states that the term "person" includes "an individual, a company and any other body of persons", whereas the corresponding paragraph 3(1)(j) in the Treaty further includes as a person "a trust and an estate". Treaty also refers to; "any other body of persons that is treated as an entity for tax purposes", which is not in the UN Model Article.
Botswana	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(f)	OECD Article and Treaty Article 3(1)(f) define "Enterprise", No Deviations.	UN Model Article 3 does not have a paragraph defining the term "Enterprise". The Treaty Article 3(1)(f) states: " the term "enterprise" applies to the carrying on of any business".
Botswana	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(h)	OECD Model Article defines international traffic as "transport by ship or aircraft", whereas the treaty paragraph 3(1)(h) in addition to "ship or aircraft" includes "rail or road transport vehicle". Further more, the OECD Article includes the phrase "that has its place of effective management in a Contracting State"; whereas the Treaty Article 3(1)(h) does not contain the phrase "place of effective management".	UN Model Article 3(1)(d) defines international traffic as "transport by ship or aircraft", whereas the treaty corresponding paragraph 3(1)(h) in addition to "ship or aircraft" includes "rail or road transport vehicle". Further more, the UN Article 3(1)(d) includes the phrase "that has its place of effective management in a Contracting State"; whereas the Treaty Article 3(1)(h) does not contain the phrase "place of effective management".
Botswana	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(i)	OECD Model paragraph (g)(i) states that national includes any individual possessing the nationality or citizenship of that Contracting State, whereas the Treaty paragraph 3(1)(i)(i) states "any individual possessing the nationality of a Contracting State" i.e. the word citizenship is omitted. OECD Model paragraph (g)(ii) includes the word "partnership" under definition of a national - legal person, whereas the Treaty Article 3(1)(i)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(i) - Treaty Article 3(1)(i) - No Deviations. UN Model Article 3(1)(f)(ii) includes the term "partnership", Treaty Article 3(1)(i)(ii) omits the term "partnership".
Botswana	General definitions	General definitions	Article 3(1)(h)	Article 3(1) Protocol	OECD Model paragraph defines the term "business" includes the performance of professional services and of other activities of an independent character". Treaty Protocol paragraph 1 states: "the term "business" includes the performance of professional services and of other activities of an independent character".	UN Model Article 3(1) does not define "business". Treaty Protocol paragraph 1 states: "the term "business" includes the performance of professional services and of other activities of an independent character".
Botswana	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Botswana	Resident	Resident	Article 4(1)	Article 4(1)	The OECD Model definition or resident includes "place of management", where as the Treaty Article 4(1) includes "place of management" and "place of incorporation". The OECD Model also states that this term does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein. Article 4(1) of the Treaty only refers to "income" and does not include "capital situated therein".	UN Model Article 4(1) includes the sentence: 'This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein' whereas the Treaty Article 4(1) states: "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources therein". Article 4(1) of the Treaty only refers to "income" and does not include "capital situated therein".
Botswana	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".	UN Article 4(2)(a) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Model states: "if the State in which he has his centre of vital interests cannot be determined or if he has not a permanent home available to him in either State"; whereas Article 4(2)(b) of the Treaty states "if the sole residence cannot be determined under the provisions of subparagraph (a)". OECD Model also states "shall be deemed to be a resident only of the State"; Treaty Article 4(2)(b) replaces "only" with "solely".	UN Model Article 4(2)(b) states: "if the State in which he has his centre of vital interests cannot be determined or if he has not a permanent home available to him in either State"; whereas Article 4(2)(b) of the Treaty only refers to "if the sole residence cannot be determined under the provisions of subparagraph (a)". UN Model Article 4(2)(b) also states "shall be deemed to be a resident only of the State"; Treaty Article 4(2)(b) replaces "only" with "solely".
Botswana	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".	UN Article 4(2)(c) contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".
Botswana	Resident	Resident	Article 4(3)	Article 4(3)	OECD Model states: "where by reason of the provisions of paragraph 1, a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". Treaty paragraph 4(3) states that "the competent authorities of the Contracting States shall settle the question by mutual agreement".	UN Model 4(3) states: "where by reason of the provisions of paragraph 1, a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". Treaty paragraph 4(3) states that "the competent authorities of the Contracting States shall settle the question by mutual agreement".
Botswana	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Botswana	Permanent Establishment	Permanent Establishment	Article 5(2)(a)-(f)	Article 5(2)(a)-(f)	There are no deviations in Paragraphs 5(2)(a) to 5(2)(e) between the OECD Model and the Treaty; Treaty Article 5(2)(f) includes the phrase: "extraction or exploitation of natural resources"; whereas the OECD Model Article 5(2)(f) phrase states: " extraction of natural resources".	There are no deviations in Paragraphs 5(2)(a) to 5(2)(e) between the UN Model and the Treaty; Treaty Article 5(2)(f) includes the phrase: "extraction or exploitation of natural resources"; whereas the UN Model Article 5(2)(f) phrase states: " extraction of natural resources".
Botswana	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)	There is an additional paragraph in the Treaty 5(2)(g) which states that "an installation or structure used for the exploration of natural resources, provided that the installation or structure continues for a period of more than six months". (Not in OECD Model).	There is an additional paragraph in the Treaty 5(2)(g), which is not in the UN Model Article 5, states that "an installation or structure used for the exploration of natural resources, provided that the installation or structure continues for a period of more than six months".
Botswana	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Model notes that "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months" whereas the Treaty article 5(3)(a) includes a building site or construction or assembly project as a permanent establishment, which continues for more than six months. There are additional paragraphs in the Treaty: Treaty Article 5(3)(b) states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods aggregating more than 183 days in any twelve-month period commencing or ending in the fiscal year concerned". Treaty Article 5(3)(c), an additional paragraph, states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(a) - Treaty Article 5(3)(a) - No Deviations; UN Model Article 5(3)(b) - Treaty Article 5(3)(b) - the Treaty has an additional phrase which states: "in any twelve-month period commencing or ending in the fiscal year concerned"; whereas the UN Model states: "for a period or periods aggregating more than six months within any twelve-month period". Treaty Article 5(3)(c) is an additional paragraph which states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
Botswana	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	OECD Model states the words "solely for the purpose of storage, display or delivery"; whereas the Treaty Article 5(4)(a) sentence does not mention the word "delivery".	UN Article 5(4)(a) - Treaty Article 5(4)(a) No Deviations
Botswana	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	OECD Model states the words "solely for the purpose of storage, display or delivery"; whereas the Treaty Article 5(4)(b) sentence does not mention the word "delivery".	UN Article 5(4)(b) - Treaty Article 5(4)(b) No Deviations
Botswana	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	OECD Article 5 corresponds to Treaty Article 5(5)(a) - no deviations. Treaty Article 5(5)(b) is an additional paragraph not in the OECD Model which states: "has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which such goods or merchandise are regularly delivered on behalf of the enterprise".	UN Article 5(5) - Treaty Article 5(5) -No Deviations.
Botswana	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	Treaty Article 5(6) - see UN Article 5(7) - UN Article includes a second sentence which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Botswana	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(7)	The Treaty has an additional paragraph 5(7) which states that "notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to reinsurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 6 applies".	UN Model Article 5(6) - Treaty Article 5(7) No Deviations other than referencing paragraphs - UN Model refers to paragraph 5(7); whereas the Treaty refers to paragraph 5(6).
Botswana	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Treaty Article 5(8) - No Deviations.	UN Article 5(8) - Treaty Article 5(8) No Deviations.
Botswana	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	UN Article 6(1) - Treaty Article 6(1) - No Deviations.
Botswana	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	Treaty Article 6(2) has additional exclusions of rail or road transport vehicles.	Treaty Article 6(2) has additional exclusions of rail or road transport vehicles.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Model Article 6(3) - Treaty Article 6(3) - No Deviations.
Botswana	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) has an additional phrase "and to income from immovable property used for the performance of independent personal services"; whereas Treaty Article 6(4) does not have this phrase.
Botswana	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations in original treaty, but Protocol introduces additional paragraphs: "(a) Where an enterprise of a Contracting State sells goods or merchandise or carries on business in the other Contracting State through a permanent establishment, (b) In the case of contracts, in particular for the survey, supply, installation or construction of industrial, commercial or scientific equipment or premises, or of public works, where the enterprise has a permanent establishment in the other Contracting State, (c) notwithstanding the above-mentioned paragraphs, neither Contracting State is prevented from requisitioning necessary information in relation to such sale of goods or merchandise or carrying out of such contracts and is not prevented from enforcing the provisions of the Convention dealing with "Associated enterprises".	UN Model Article 7(1) includes where income is attributable to "(a) that permanent establishment; (b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". Original Treaty did not include the paragraphs b) or c) but the Protocol has included additional paragraphs which are similar to the UN Model.
Botswana	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Model Article 7(2) - Treaty Article 7(2) - No Deviations.
Botswana	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) includes an additional paragraph, not in the OECD Model, which states: "however, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are also additional limitations regarding payments to head office.	UN Model Article 7(3) - Treaty Article 7(3) - No Deviations.
Botswana	Business profits	Business profits	Article 7(4)	No Treaty Reference	This paragraph is missing in the Treaty. The OECD model states that "insofar it has been customary to determine the profits to be attributed to a permanent establishment on the basis of apportionment, the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".	UN Model Article 7(4) which is missing in the Treaty and states: ""insofar as it has been customary to determine the profits to be attributed to a permanent establishment on the basis of apportionment, the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".
Botswana	Business profits	Business profits	Article 7(5)	Article 7(4)	This equates to Article 7(4) of the Treaty, No Deviations.	The Treaty Article 7(4) is a paragraph that is not in the UN Model; which states: "No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise". However, UN Model has a note which states: "(NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations.)" This is not in Treaty Article 7.
Botswana	Business profits	Business profits	Article 7(6)	Article 7(5)	This equates to Article 7(5) of the Treaty, No Deviations.	UN Model Article 7(5)-The Treaty Article 7(5) - No Deviations.
Botswana	Business profits	Business profits	Article 7(7)	Article 7(6)	This equates to Article 7(6) of the Treaty, No Deviations.	UN Model Article 7(6)-The Treaty Article 7(6) - No Deviations.
Botswana	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	OECD Model states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 8(1) states: "shall be taxable only in that State", and the Treaty also includes "rail or road transport vehicles".	UN Model 8(1) states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 8(1) states: "shall be taxable only in that State", and the Treaty also includes "rail or road transport vehicles".
Botswana	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model Article relates to profits from the operation of boats engaged in inland waterways transport, and that these profits shall only be taxed where the place of effective management of the enterprise is situated. This paragraph is not in the Treaty.	UN Model Article 8(2) states: "Profits from the operation of boats engaged in inland waterways transport shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated". This is not in the Treaty Article.
Botswana	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Article 8(2) of the Treaty states that profits include: "(a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, and (b) profits derived from the rental of rail or road transport vehicles; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". This is not in the OECD Model.	Article 8(2) of the Treaty states that "(a) profits include: "profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, and (b) profits derived from the rental of rail or road transport vehicles; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". This is not in the UN Model.
Botswana	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model paragraph states that "if the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship or boat is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship or boat is a resident. This is not in Treaty Article 8.	UN Article 8(3) states: "if the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or a boat, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship or boat is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship or boat is a resident". This is not in Treaty Article 8.
Botswana	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) states that "profits of an enterprise of a Contracting State from the use, maintenance or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". This is not in OECD Model Article.	Treaty Article 8(3) states that "profits of an enterprise of a Contracting State from the use, maintenance or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". This is not in UN Model Article.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) -The Treaty Article 8(4) - No Deviations.
Botswana	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	No Deviations.
Botswana	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model includes the phrase: "that other State "shall" make an appropriate adjustment to the amount of the tax charged therein on those profits"; whereas Treaty Article 9(2) states that "other State "may" make an appropriate adjustment to the amount of the tax charged therein on those profits". The deviation being the use of the word "may" in the Treaty vs "shall" in the OECD Model.	UN Model Article 9(2) includes the phrase: "that other State "shall" make an appropriate adjustment to the amount of the tax charged therein on those profits"; whereas Treaty Article 9(2) states that "other State "may" make an appropriate adjustment to the amount of the tax charged therein on those profits". The deviation being the use of the word "may" in the Treaty vs "shall" in the UN Model.
Botswana	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph, not in the Treaty, which states: "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".
Botswana	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) -The Treaty Article 10(1) - No Deviations.
Botswana	Dividends	Dividends	Article 10(2)	Article 10(2)	The percentages in the OECD Model are (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; (b) 15 per cent of the gross amount of the dividends in all other cases. The Treaty percentages are: (a) 10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 percent of the capital of the company paying the dividends; or (b) 15 per cent of the gross amount of the dividends in all other cases.	UN Model Article 10(2)(a) "... per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 10 per cent of the capital of the company paying the dividends"; Whereas Treaty Article 10(2)(a) excludes "other than a partnership"; and tax is limited to 10 per cent of gross dividends; and the required of the beneficial owner is shareholding is 25 per cent. UN Article 10(2)(b) does not specify the tax percentage, whereas the treaty limits the tax to 15 per cent in all other cases.
Botswana	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model defines dividends as "income from shares, "jouissance" shares or income from shares, "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights, not being debt-claims, participating in profits, as well as income from other corporate rights which is subjected to the same taxation treatment as income from shares by the laws of the State of which the company making the distribution is a resident". Whereas the Treaty Article 10(3) defines dividends as "income from shares, mining shares, founders' shares or other rights participating in profits"	UN Article 10(3) includes "jouissance" shares or "jouissance" rights"; whereas the treaty does not include these types of shares in the definition.
Botswana	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Article 10(4) includes the phrase "or performs in that other State independent personal services from fixed base situated therein"; which is not in the Treaty Article 10(4). Furthermore, the UN Article 10(4) states: "effectively connected with such permanent establishment or fixed base"; the Treaty Article 10(4) does not contain the phrase "fixed base". UN Model Article 10(4) references the provisions of Articles 7 and 14; whereas the Treaty refers to Article 7,
Botswana	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) includes the phrase "permanent establishment or fixed base", the Treaty Article 10(5) only refers to "permanent establishment".
Botswana	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) -The Treaty Article 11(1) - No Deviations.
Botswana	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	Treaty Article 11(2) limits the tax to 10 percent; whereas UN Model does not specify the taxation limit.
Botswana	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".	Treaty Article 11(3) is an additional paragraph which states: "notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".
Botswana	Interest	Interest	Article 11(3)	Article 11(4)	Treaty Article 11(4) - No Deviations	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations
Botswana	Interest	Interest	Article 11(4)	Article 11(5)	Treaty Article 11(5) - No Deviations, other than the Treaty includes paragraph 3 in the "notwithstanding" sentence, the OECD Model only refers to paragraphs 1 and 2.	UN Model Article 11(4) has an additional phrase, not in the Treaty Article 11(5), which states: "or performs in that other State independent personal services from a fixed base situated therein". The UN Model Article 11(3) also states that "and the debt claim in respect of which the interest is paid is effectively connected with (a) such permanent establishment or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of Article 7. In such cases the provisions of Article 7 or Article 14, as the case may be, shall apply". Treaty Article 11(5) only refers to "permanent establishment", and notes that the provisions of "Article 7 shall apply".
Botswana	Interest	Interest	Article 11(5)	Article 11(6)	Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes the phrase "permanent establishment or fixed base"; whereas the Treaty Article 11(6) only includes the phrase: "permanent establishment".
Botswana	Interest	Interest	Article 11(6)	Article 11(7)	Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) - Treaty Article 11(7) - No Deviations
Botswana	Royalties	Royalties	Article 12(1)	Article 12(1)	The OECD Model states that "royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State", whereas the Treaty Article 12(1) states that the royalties "may" be taxed in that other State.	UN Model Article 12(1) - Treaty Article 12(1) - No Deviations
Botswana	Royalties	Royalties	No OECD Reference	Article 12(2)	The Treaty Article 12(2) states: "however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties". This paragraph is not in Article 12 OECD Model.	UN Model Article 12(2) does not specify the maximum rate of tax, and states: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation"; whereas the Treaty Article 12(2) limits the tax charged to 10 per cent.

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	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) has additional items included in the definition of Royalties: "tapes or discs for radio or television broadcasting" and "or for the use of, or the right to use, industrial, commercial or scientific equipment". These items are not included in the OECD Model.	UN Model Article 12(3) - Treaty Article 12(3) - No Deviations
Botswana	Royalties	Royalties	Article 12(3)	Article 12(4)	Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) includes an additional phrase: "or performs in that other State independent personal services from a fixed base situated therein"; this is not in the Treaty Article 12(4); The UN Model Article 12(4) also includes : "is effectively connected with a) such permanent establishment or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of Article 7. In such cases the provisions of Article 7 or Article 14, as the case may be, shall apply"; whereas the Treaty Article 12(4) only states: "is effectively connected with such permanent establishment"; and does not include the additional phrase.
Botswana	Royalties	Royalties	No OECD Reference	Article 12(5)	The Treaty Article 12(5) is an additional paragraph which is not in the OECD Model. It states "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated.	UN Article 12(5) includes the terms "permanent establishment or fixed base"; whereas the Treaty Article 12(5) only includes "permanent establishment" and not "fixed base".
Botswana	Royalties	Royalties	Article 12(4)	Article 12(6)	Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) - Treaty Article 12(6) - No Deviations
Botswana	Capital gains	Capital gains	Article 13(1)	Article 13(1)	Treaty Article 13(1) includes the phrase "a company the assets of which consist directly or indirectly principally of such property, may be taxed in that other State"; refer OECD Article 13(4)	Treaty Article 13(1) includes the phrase "a company the assets of which consist directly or indirectly principally of such property, may be taxed in that other State"; which is not included in the UN Model Article 13(1).
Botswana	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes the phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; and also contains the phrase "fixed base"; whereas the Treaty Article 13(2) does not contain these phrases.
Botswana	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes gains from "boats operating in inland waterways, whereas the Treaty Article 13(3) does not include this phrase, but includes "rail or road transport vehicles". The OECD Model states that these profits "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated", whereas the Treaty Article 13(3) states that such gains "shall be taxable only in that State"; i.e., no mention of "place of effective management".	UN Model Article 13(3) includes gains from "boats operating in inland waterways, whereas the Treaty Article 13(3) does not include this phrase, but includes "rail or road transport vehicles". The UN Model states that these profits "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated", whereas the Treaty Article 13(3) states that such gains "shall be taxable only in that State"; i.e., no mention of "place of effective management".
Botswana	Capital gains	Capital gains	Article 13(4)	N/A	The OECD Model paragraph states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State". No such paragraph in the Treaty, however, refer Treaty Article 13(1) which includes the phrase: "or from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property, may be taxed in that other State"; there is no mention of "more than 50 per cent of their value".	UN Model Article 13(4) is not in the Treaty Article 13; which states: "gains from the alienation of shares of the capital stock of a company, or of an interest in a partnership, trust or estate, the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State. Refer Treaty Article 13(1) which includes the phrase: "or from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property, may be taxed in that other State"; there is no mention of "more than 50 per cent of their value".
Botswana	Capital gains	Capital gains	Article 13(5)	Article 13(4)	Treaty Article 13(4) - No Deviations.	UN Article 13(6) - Treaty Article 13(4) - No Deviations.
Botswana	Capital gains	Capital gains	No OECD Reference	Article 13(5)	Treaty Article 13(5) is an additional paragraph not in the OECD Model; which states: "Notwithstanding the provisions of paragraph 4, gains from the alienation of shares or other corporate rights of a company which is a resident of one of the Contracting States derived by an individual who was a resident of that State and who after acquiring such shares or rights has become a resident of the other Contracting State, may be taxed in the first-mentioned State if the alienation of the shares or other corporate rights occur at any time during the period of ten years next following the date on which the individual has ceased to be a resident of the first-mentioned State".	Treaty Article 13(5) is an additional paragraph not in the UN Model; which states: "Notwithstanding the provisions of paragraph 4, gains from the alienation of shares or other corporate rights of a company which is a resident of one of the Contracting States derived by an individual who was a resident of that State and who after acquiring such shares or rights has become a resident of the other Contracting State, may be taxed in the first-mentioned State if the alienation of the shares or other corporate rights occur at any time during the period of ten years next following the date on which the individual has ceased to be a resident of the first-mentioned State".
Botswana	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Article 13(5) is an additional paragraph which is not in the Treaty; which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State.
Botswana	N/A	Independent personal services (Deleted)	Article 14 (Deleted)	No Treaty Reference	Treaty does not have an Article for "Independent Services (i.e. same as OECD Model).	UN Model Article 14 "Independent personal services" - is not contained in the Tax Treaty.
Botswana	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17 and 18.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17 and 18.
Botswana	Income from employment	Income from employment	Article 15(2)	Article 14(2)	Treaty Article 14(2) - No Deviations.	UN Article 15(2) includes the phrase "permanent establishment or fixed base; whereas Treaty Article 14(2) only refers to "permanent establishment".
Botswana	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Model states "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic, or aboard a boat engaged in inland waterways transport, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated". The Treaty Article 14(3) makes additional mention of "rail or road transport vehicle. The Treaty also states that such remuneration in "international traffic by an enterprise of a Contracting State may be taxed in that State". Thus, no mention of "place of effective management" in the Treaty.	UN Model Article 15(3) states "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic, or aboard a boat engaged in inland waterways transport, may be taxed in the Contracting State in which the place of effective management of the enterprise is situated". The corresponding Treaty Article 14(3) makes additional mention of "rail or road transport vehicle. The Treaty also states that such remuneration in "international traffic by an enterprise of a Contracting State may be taxed in that State". Thus, no mention of "place of effective management" in the Treaty.
Botswana	Directors' fees	Directors' fees	Article 16	Article 15	Minor difference - OECD Model refers to "other similar payments" whereas the Treaty Article 14 refers only to "similar payments".	UN Model Article 16(1) corresponds to Treaty Article 14, No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Directors' fees	Directors' fees	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 16(2) is an additional paragraph, not in the Treaty which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State."
Botswana	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	Treaty Article 16(1) - minor deviation referencing articles 7 and 14 whereas the OECD Article refers to articles 7 and 15.	UN Model Article 17(1) references the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) references Articles 7 and 14.
Botswana	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	Treaty Article 16(2) - minor deviation referencing articles 7 and 14 whereas the OECD Article refers to articles 7 and 15.	UN Model Article 17(2) references the provisions of Articles 7, 14 and 15; whereas the Treaty Article 17(1) references Articles 7 and 14.
Botswana	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 16(3)	The Treaty has an additional paragraph 16(3) which states that: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State, as envisaged in paragraphs 1 and 2, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned State, a political subdivision or a local authority thereof".	The Treaty has an additional paragraph 16(3), not in UN Model Article 17 which states that: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State, as envisaged in paragraphs 1 and 2, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned State, a political subdivision or a local authority thereof".
Botswana	Pensions and annuities	Pensions	Article 18	Article 17(1)	OECD model states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".	UN Article 18 (Alt. A) states "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas the Treaty Article states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".
Botswana	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	The Treaty Article 17(2) not in OECD Model, states: "notwithstanding the provisions of paragraph 1, pensions and other payments made under the social security legislation of a Contracting State shall be taxable only in that State".	UN Model Article 18(2) contains the phrase: "payments made under a public scheme which is part of the social security system"; whereas the Treaty Article 17(2) refers to other payments made under the social security legislation".
Botswana	Pensions and annuities	Pensions	No OECD Reference	Article 17(3)	The Treaty Article 17(3) not in OECD Model, states: "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".	Under Alternative A of UN Model Article 18, there is no paragraph 3. The Treaty Article 17(3) states : "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".
Botswana	Government service	Government service	Article 19(1)	Article 18(1)	Treaty Article 18(1) No Deviations.	UN Article 19(1) - Treaty Article 18(1) No Deviations.
Botswana	Government service	Government service	Article 19(2)	Article 18(2)	Treaty Article 18(2) No Deviations.	UN Article 19(2) - Treaty Article 18(1) No Deviations.
Botswana	Government service	Government service	Article 19(3)	Article 18(3)	Treaty Article 18(3) No Deviation; except for referencing other articles; OECD Model refers to "Articles 15, 16, 17, and 18"; whereas the Treaty refers to "Articles 14, 15, 16 and 17".	UN Article 19(3) - Treaty Article 18(3) No Deviations. UN Model refers to Articles "15, 16, 17, and 18"; and Treaty refers to "Articles 14, 15, 16 and 17".
Botswana	Students, apprentices and business trainees	Students	Article 20	Article 19	OECD Model states: "Payments which a student or business apprentice; whereas Treaty Article 19 states: "students, apprentices or business trainees". Minor wording differences: OECD Article states: "provided that such payments arise from sources outside that State" whereas the Treaty states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State".	UN Model Article 20 - Treaty Article 19 - minor wording differences: UN Article states: "provided that such payments arise from sources outside that State" whereas the Treaty states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State".
Botswana	Technical fees	N/A	No OECD Reference	Article 20	The Treaty has an additional Article 20 "Technical Fees", which is not in the OECD Model.	The Treaty has an additional Article 20 "Technical Fees", which is not in the UN Model.
Botswana	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Model Article 21(1) - Treaty Article 21(1) - No deviations.
Botswana	Other income	Other income	Article 21(2)	Article 21(2)	No Deviations.	UN Model Article 21(2) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein" whereas the treaty does not include this phrase. The UN Model refers to Articles 7 or 14; whereas the Treaty refers to Article 7.
Botswana	Other income	Other income	No OECD Reference	Article 21(3)	Treaty Article 21(3) in an additional paragraph, not in the OECD Model, which states: "notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) - Treaty Article 21(3) - No deviations.
Botswana	N/A	Capital	Article 22	No Treaty Reference	OECD Model Article 22 "Taxation of Capital - there is no corresponding Article in the Treaty.	UN Model Article 22 "Taxation of Capital - there is no corresponding Article in the Treaty.
Botswana	Elimination of double taxation	23B Credit method	Article 23B(1)	Article 22(1)	OECD Model Article 23B allows for the Credit Method. Treaty Article 22(1)(a) and (b) provides for the Credit Method. Treaty Article 22(1)(a) regarding the allowance of a credit against Botswana tax but, "the amount of such credit shall not exceed the amount of the Botswana tax payable on that income in accordance with the laws of Botswana". Treaty Article 22(1)(b) In South Africa permits a deduction, but "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". The OECD Model paragraph refers to as a "deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in that other State". The Treaty as no mention of tax on capital.	UN Model Article 23B allows for the Credit Method. Treaty Article 22(1)(a) and (b) provides for the Credit Method. Treaty Article 22(1)(a) regarding the allowance of a credit against Botswana tax but, "the amount of such credit shall not exceed the amount of the Botswana tax payable on that income in accordance with the laws of Botswana". Treaty Article 22(1)(b) In South Africa permits a deduction, but "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". The UN Model paragraph refers to as a "deduction from the tax on the capital of that resident, an amount equal to the capital tax paid in that other State". The Treaty as no mention of tax on capital.
Botswana	Elimination of double taxation	23B Credit method	Article 23B(2)	N/A	OECD Model paragraph is not included in the Treaty Article 22, and refers to income derived or capital owned that is exempt from tax in that State, then "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model paragraph 23B(2) is not included in the Treaty Article 22, and refers to income derived or capital owned that is exempt from tax in that State, then "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Elimination of double taxation	23B Credit method	No OECD Reference	Article 22(2)	The Treaty has an additional paragraph 22(2) not in the OECD Model, which states that "for the purposes of paragraph 1 of this Article, the terms "Botswana tax paid" and "South African tax payable" shall be deemed to include the amount of tax which would have been paid in Botswana or South Africa, as the case may be, but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Botswana or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph".	The Treaty has an additional paragraph 22(2) not in the UN Model, which states that "for the purposes of paragraph 1 of this Article, the terms "Botswana tax paid" and "South African tax payable" shall be deemed to include the amount of tax which would have been paid in Botswana or South Africa, as the case may be, but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Botswana or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph".
Botswana	Elimination of double taxation	23B Credit method	No OECD Reference	Article 22(3)	The Treaty has an additional paragraph 22(3) not in the OECD Model, which states that "A grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws which establish schemes for the promotion of economic development in Botswana or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph, shall not be taxable in the other State".	The Treaty has an additional paragraph 22(3) not in the UN Model, which states that "A grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws which establish schemes for the promotion of economic development in Botswana or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph, shall not be taxable in the other State".
Botswana	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Treaty Article 23(1) No Deviations.	UN Article 24(1) - Treaty Article 23(1) No Deviations.
Botswana	Non-discrimination	Non-discrimination	Article 24(2)	N/A	The OECD Model paragraph refers to "stateless persons" which is not referenced in the Treaty under Article 23 Non Discrimination.	The UN Model Article 24(2) pertains to "stateless persons" which is not referenced in the Treaty Article 23.
Botswana	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Treaty Article 23(2) No Deviations.	UN Article 24(3) - Treaty Article 23(2) No Deviations.
Botswana	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(4)	OECD Model applies to "interest, royalties and other disbursements paid by an enterprise" whereas Treaty Article 23(4) applies to "interest, royalties, technical fees and other disbursements paid". The OECD Model also includes the sentence "similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". This sentence is not included in the Article 23(4) of the Treaty.	UN Article 24(4) applies to "interest, royalties and other disbursements"; whereas Treaty Article 23(4) applies to "interest, royalties, technical fees and other disbursements paid". UN Article 24(4) also contains a sentence, not in the Treaty, which states: "similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Botswana	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(3)	Treaty Article 23(3) No Deviations.	UN Article 24(5) - Treaty Article 23(3) No Deviations.
Botswana	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	OECD Model paragraph states: "the provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description" whereas the Treaty Article 23(6) states that "in this Article the term "taxation" means taxes which are the subject of this Convention".	UN Article 24(6) states: "the provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description"; whereas Treaty Article 23(6) states that "in this Article the term "taxation" means taxes which are the subject of this Convention".
Botswana	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Botswana, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 23(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Botswana, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Botswana	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	Treaty Article 24(1) - No Deviations; except OECD Model references Article 24(1) and Treaty references Article 23(1).	UN Article 25(1) - Treaty Article 24(1) - No Deviations; except UN Model references Article 24(1) and Treaty references Article 23(1).
Botswana	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Treaty Article 24(2) - No Deviations.	UN Article 25(2) - Treaty Article 24(2) - No Deviations.
Botswana	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Treaty Article 24(3) - No Deviations	UN Article 25(3) - Treaty Article 24(3) - No Deviations.
Botswana	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Model paragraph states that "the competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs. The Treaty Article 24(4) states that: The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States".	UN Model Article 25(4) states: "The competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraphs. The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure"; whereas Treaty Article 24(4) states: "The competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States".
Botswana	Exchange of information	Exchange of information	Article 26(1)	Article 25(1)	Treaty Article 25 splits the OECD Model paragraph into two paragraphs, the first sentence of the OECD Model paragraph 1 can be equated to Treaty Article 25(1) and the second sentence of the OECD Model paragraph 1 can be equated to Treaty Article 25(2). The first sentence of OECD Model paragraph 1 includes information "as is necessary" where as the Treaty Article 25(1) includes information "that is foreseeably relevant". The Treaty also includes additional wording: "in particular for the prevention of fraud or evasion of such taxes".	UN Article 26(1) states: "such information as is necessary"; whereas Treaty Article 25(1) states: "such information as is foreseeably relevant". UN Article 26(1) includes the phrase: "carrying out the provisions of this Convention or of the domestic laws of the Contracting States concerning taxes covered by the Convention"; whereas Treaty Article 25(1) states: "carrying out the provisions of this Convention or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed";

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Botswana	Exchange of information	Exchange of information	Article 26(1) ctd.	Article 25(2)	The Treaty Article 25(2) which corresponds to the second sentence of the OECD Model, includes additional wording: "or the oversight of the above".	UN Article 26(1) second sentence corresponds to Treaty Article 26(2). UN Article 26(1) second sentence begins: "however, if the information is originally regarded as secret in the transmitting State" which is an additional phrase. UN Article 26(1) states: "The exchange of information is not restricted by Article 1"; whereas the Treaty Article 25(1) states : "is not restricted by Articles 1 and 2".
Botswana	Exchange of information	Exchange of information	Article 26(2)	Article 25(3)	Treaty Article 25(3) - No Deviations.	UN Article 26(2) - Treaty Article 25(3) - No Deviations.
Botswana	Exchange of information	Exchange of information	No OECD Reference	Article 25(4)	Treaty Article 25(4) is an additional paragraph which reads: "if information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information".	No UN Model reference - Treaty Article 25(4) is an additional paragraph which reads: "if information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information".
Botswana	Exchange of information	Exchange of information	No OECD Reference	Article 25(5)	Treaty Article 25(5) is an additional paragraph which reads: "in no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person".	No UN Model reference - Treaty Article 25(5) is an additional paragraph which reads: "in no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person".
Botswana	Assistance in recovery	Assistance in the collection of taxes	Article 27	Article 26	OECD Article 27 - Assistance in recovery of taxes is very detailed. Treaty Article 26 is simpler, and reads: "1. The Contracting States shall, to the extent permitted by their respective domestic law, lend assistance to each other in order to recover the taxes referred to in Article 2 as well as interest and penalties with regard to such taxes, provided that reasonable steps to recover such taxes have been taken by the Contracting State requesting such assistance. 2. Claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance and the provisions of paragraph 1 of Article 25 shall also apply to any information which, by virtue of this Article, is supplied to the competent authority of a Contracting State. 3. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of the provisions of this Article.	No UN Model reference for "Assistance in Recovery"; Treaty Article 26 states: "1. The Contracting States shall, to the extent permitted by their respective domestic law, lend assistance to each other in order to recover the taxes referred to in Article 2 as well as interest and penalties with regard to such taxes, provided that reasonable steps to recover such taxes have been taken by the Contracting State requesting such assistance. 2. Claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance and the provisions of paragraph 1 of Article 25 shall also apply to any information which, by virtue of this Article, is supplied to the competent authority of a Contracting State. 3. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of the provisions of this Article.
Botswana	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 27	Treaty Article 27 - No Deviations.	UN Model Article - Treaty Article 27 - No Deviations.
Botswana	N/A	Territorial extension	Article 29	N/A	OECD Article 29 - Territorial Extension - No Treaty equivalent - but refer Treaty Article 3(1)(a) and 3(1)(b) define the Contracting States geographical scope.	No UN Article for Territorial Extension.
Botswana	Entry into force	Entry into force	Article 30	Article 28	The Treaty Article 28 specifies how the Convention "shall enter into force", the OECD Model does not specify such details.	The Treaty Article 28 specifies how the Convention "shall enter into force", the UN Model Article 28 does not specify such details.
Botswana	Termination	Termination	Article 31	Article 29	The Treaty Article 29 specifies the conditions for termination, the OECD Model does not specify such details.	The Treaty Article 29 specifies the conditions for termination, the UN Model Article 29 does not specify such details.
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26	Article 26	The Protocol deleted Article 25 of the Treaty, (which corresponds to OECD Model 26), and a new Article 25 was inserted. The first sentence of the 2010 OECD Model Article 25(1) includes: "information is as 'foreseeably relevant'" - this was a deviation in the 2003 treaty as the previous OECD Model stated "information as is necessary", and the included "information as is foreseeably relevant, which means the Model and Treaty are now aligned in this instance.	The Protocol deleted Article 25 of the Treaty, (which corresponds to UN Model 26), and a new Article 25 was inserted. The first sentence of the 2011 UN Model Article 25(1) includes: "information is as necessary" whereas the Treaty Protocol still refers to "information as is foreseeably relevant".
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26(1)	Article 26(1)	Protocol Treaty Article 25(1) - still has the additional wording "in particular the prevention of fraud or evasion of such taxes, and OECD model does not have this phrase. It is noted that the OECD Model now splits the sentence into 2 paragraphs which now aligns with the Treaty paragraphs.	UN Model Article 26(1) and Treaty Protocol 25(1) both refer to "prevention of fraud or evasion of taxes". UN Model states that: "The exchange of information is not restricted by article 1"; whereas the Treaty Protocol states: "not restricted by Articles 1 and 2".
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26(2)	Article 26(2)	Protocol Treaty Article 25(2) - No Deviations. It is noted that in the 2003 Treaty the Article 25(2) included the phrase "or the oversight of the above", which was not in the 2003 OECD Model but is included in the 2010 OECD Model.	UN Model Article 26(1) third sentence equates to Treaty Protocol 25(2); The UN Model contains an additional phrase: "however, if the information is originally regarded as secret in the transmitting State"; UN Model refers to: "relation to the taxes which are the subject of the Convention."; whereas the Treaty Protocol 25(2) refers to "taxes referred to in paragraph 1"; UN Model Article 26(1) also contains an additional sentence: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance."
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26(3)	Article 26(3)	Protocol Treaty Article 25(3) - No Deviations.	UN Model Article 26(2) Protocol Treaty Article 25(3) - No Deviations.
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26(4)	Article 26(4)	Protocol Treaty Article 25(4) - No Deviations.	UN Model - no corresponding reference.
Botswana (Protocol)	Exchange of information	Exchange of information	Article 26(5)	Article 26(5)	Protocol Treaty Article 25(5) - No Deviations.	UN Model - no corresponding reference.
Cameroon	Entry into force: 13 July 2017 Conclusion date: 19 Feb. 2014				OECD Model 2014	UN Model 2011

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Cameroon	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".	UN Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".
Cameroon	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. OECD Model Article includes the phrase: "capital appreciation", this is not in Treaty Article 2(2).	UN Model Article 2(2) refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. UN Model Article includes the phrase: "capital appreciation", this is not in Treaty Article 2(2).
Cameroon	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Article does not specify what taxes are covered, as it is for the Contracting States to list the taxes to which the Treaty applies. Besides taxes on income, Treaty Article 2(3) includes taxes on: (a) in Cameroon: (v) the housing loans fund tax and the employment fund tax; as well as prepayments, other withholding taxes and surcharges to the said taxes; (b) in South Africa: (ii) the secondary tax on companies;	UN Article 2(3) does not specify what taxes are covered, as it is for the Contracting States to list the taxes to which the Treaty applies. Besides taxes on income, Treaty Article 2(3) includes taxes on: (a) in Cameroon: (v) the housing loans fund tax and the employment fund tax; as well as prepayments, other withholding taxes and surcharges to the said taxes; (b) in South Africa: (ii) the secondary tax on companies;
Cameroon	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	No Deviations.	UN Model Article 2(4) phrase "significant changes made to their tax law"; whereas the Treaty Article 2(4) phrase states: "significant changes that have been made in their taxation laws".
Cameroon	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Cameroon" means the territory of the Republic of Cameroon; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Cameroon and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Cameroon" means the territory of the Republic of Cameroon; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Cameroon and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Cameroon	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(i)	The term "person" - Treaty Article 3(1)(f) adds the phrase: "that is treated as an entity for tax purposes".	The term "person" - Treaty Article 3(1)(i) adds the phrase: "that is treated as an entity for tax purposes".
Cameroon	General definitions	General definitions	Article 3(1)(c)	No Treaty Reference	OECD Article defines the term "enterprise applies to the carrying on of any business", whereas Treaty Article 3(1) does not have such a definition for enterprise.	UN Model Article 3(1) and Treaty Article 3(1) do not define the term "Enterprise".
Cameroon	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(g)	OECD Article in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(g) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management".	UN Article 3(1)(d) in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas corresponding Treaty Article 3(1)(g) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management".
Cameroon	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(f)	Corresponding Treaty Article 3(1)(f) - No Deviation.	Treaty Article 3(1)(f)(i) "National" - includes "citizenship". UN Model Article 3(1)(f)(i) does not include "citizenship".
Cameroon	General definitions	General definitions	Article 3(1)(h)	No Treaty Reference	OECD Model paragraph defines the term "business" includes the performance of professional services and of other activities of an independent character". There is no such paragraph in the definitions Article 3 of the Treaty.	UN Model Article 3(1) and Treaty Article 3(1) do not define the term "business".
Cameroon	General definitions	General definitions	No OECD Reference	Article 3(1)(j)	Treaty Article 3(1)(j) is an additional paragraph, which defines the term "tax" which "means Cameroonian tax or South African tax, as the context requires".	Treaty Article 3(1)(j) is an additional paragraph, which defines the term "tax" which "means Cameroonian tax or South African tax, as the context requires". This is not in the UN Model Article 3.
Cameroon	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Cameroon	Resident	Resident	Article 4(1)	Article 4(1)	OECD Treaty paragraph second sentence states "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein".	UN Model Article 4(1) includes the phrase: "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) second sentence states "this term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein".
Cameroon	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations.	No Deviations.
Cameroon	Resident	Resident	Article 4(3)	Article 4(3)	The OECD Model states: "person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". The Treaty article 4(3) for "person other than an individual" states: "the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and determine the mode of application of the Convention to such person. In the absence of such agreement such person shall be considered to be outside the scope of the Convention except for the provisions of Article 27".	The UN Model Article 4(3) states: "person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". The Treaty article 4(3) for "person other than an individual" states: "the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and determine the mode of application of the Convention to such person. In the absence of such agreement such person shall be considered to be outside the scope of the Convention except for the provisions of Article 27".
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Article 5(1) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	Paragraphs 5(2)(a) to 5(2)(e) of the OECD Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the OECD Model refers to the "place of extraction of natural resources"; whereas the Treaty paragraph 5(2)(f) includes: "place of extraction or exploitation of natural resources". The Treaty also has additional items included as permanent establishments: "(g) a drilling rig or ship used for the exploration or development of natural resources; (h) a sales outlet; and (i) a warehouse, in relation to a person providing storage facilities for others".	Paragraphs 5(2)(a) to 5(2)(e) of the UN Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the UN Model refers to the "place of extraction of natural resources"; whereas the Treaty paragraph 5(2)(f) includes: "place of extraction or exploitation of natural resources". The Treaty also has additional items included as permanent establishments: "(g) a drilling rig or ship used for the exploration or development of natural resources; (h) a sales outlet; and (i) a warehouse, in relation to a person providing storage facilities for others".
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Model includes building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months", whereas the Treaty Article 5(3)(a) states that "the activity continues for more than six months". The Treaty also has additional items that are not in the OECD Model: 5(3)(b) "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	The UN Model Article 5(3)(a) and the Treaty are aligned, No Deviations (i.e. both six months);
Cameroon	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c) "an enterprise shall be deemed to have a permanent establishment in a Contracting State to carry on business if it provides services, or supplies equipment and machinery on hire used or to be used, in exploration for, extraction of, or exploitation of mineral resources in that State, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c) is not a paragraph in the UN Model.
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	OECD Model paragraph (a) includes the phrase "solely for the purpose of storage, display or delivery of goods" where as Treaty Article 5(4)(a) states "solely for the purpose of storage or display of goods", thus the Treaty omits the term "delivery". OECD Model paragraph (b) includes the phrase "solely for the purpose of storage, display or delivery" where as the Treaty Article 5(4)(b) also omits the word "delivery". The remainder of OECD Article 5(4)(c) to (f) are the same as the Treaty Article 5(4)(c) to (f), no deviations.	UN Model paragraphs 5(4)(a) and (b) omit the term "delivery", thus Treaty is aligned to UN Model, and there are no deviations for from the UN Model for this Article.
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	Treaty Article has two paragraphs, and paragraph 5(5)(a) of the Treaty corresponds to OECD Model Article 5(5) with No Deviations. The Treaty Article 5(5)(b) is an additional paragraph that is not contained in the OECD Model, and it states "has no such authority, but habitually maintains in the first-mentioned Contracting State a stock of goods or merchandise, belonging to the enterprise, from which he regularly delivers goods on behalf of the enterprise".	UN Model Article 5(5) -Treaty Article - No Deviations.
Cameroon	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(6)	Treaty Article 5(6) is an additional paragraph not in the OECD Model, which states "notwithstanding the provisions of this Article, an insurance enterprise of a Contracting State shall except in regard to re-insurance be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".	UN Model Article 5(6) and Treaty Article 5(6) - No Deviations.
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(7)	Treaty Article 5(7) first sentence equates to OECD Model Article 5(6). The second sentence of the Treaty Article 5(7), which is not in the OECD Model, states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made and imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".	UN Model Article 5(7) - Treaty Article 5(7) - No Deviations.
Cameroon	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Treaty Article 5(8) - No Deviations.	Corresponding UN Article 5(8) and Treaty Article 5(8) - No Deviations.
Cameroon	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	No Deviations.
Cameroon	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	No Deviations.	No Deviations.
Cameroon	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	No Deviations.
Cameroon	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	The first phrase of Treaty Article 6(4) corresponds to the OECD Model. The Treaty contains an additional phrase: "and to income from immovable property used for the performance of independent personal services".	UN Model Article 6(4) includes the additional phrase income from immovable property used for the performance of independent personal services"; therefore No Deviations between Treaty and UN Model.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Business profits	Business profits	Article 7(1)	Article 7(1)	The first section of Treaty Article 7(1) and 7(1)(a) corresponds to OECD Article 7(1) - No Deviations. Treaty Article 7(1) has additional paragraphs: (b) "sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". There is also additional phrase: "however, the profits derived from the sales or business activities described in subparagraph (b) or (c) above shall not be taxable in the other Contracting State if the enterprise demonstrates that such sales or business activities have been carried out for reasons other than obtaining a benefit under this Convention."	UN Article 7(1)(a) to (c) - Treaty Article 7(1)(a) - (c) No Deviations, but the Treaty Article has an additional phrase: "however, the profits derived from the sales or business activities described in subparagraph (b) or (c) above shall not be taxable in the other Contracting State if the enterprise demonstrates that such sales or business activities have been carried out for reasons other than obtaining a benefit under this Convention".
Cameroon	Business profits	Business profits	Article 7(2)	Article 7(2)	OECD Article states: "for the purposes of this Article and Article [23A] [23B], the profits that are attributable in each Contracting State to the permanent establishment referred to in paragraph 1 are the profits it might be expected to make, in particular in its dealings with other parts of the enterprise, if it were a separate and independent enterprise engaged in the same or similar activities under the same or similar conditions, taking into account the functions performed, assets used and risks assumed by the enterprise through the permanent establishment and through the other parts of the enterprise"; whereas Treaty Article states: "subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein, there shall in each Contracting State be attributed to that permanent establishment the profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment".	UN Model 7(2) and Treaty Model Article 7(2) - No Deviations.
Cameroon	Business profits	Business profits	Article 7(3)	Article 7(4)	OECD Article states: "where, in accordance with paragraph 2, a Contracting State adjusts the profits that are attributable to a permanent establishment of an enterprise of one of the Contracting States and taxes accordingly profits of the enterprise that have been charged to tax in the other State, the other State shall, to the extent necessary to eliminate double taxation on these profits, make an appropriate adjustment to the amount of the tax charged on those profits. In determining such adjustment, the competent authorities of the Contracting States shall if necessary consult each other". Treaty Article (7)(4) states: "In so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".	Corresponding UN Article - 7(4) Treaty Article 7(4) - No Deviations.
Cameroon	Business profits	Business profits	No OECD Reference	Article 7(3)	Treaty Article 7(3) is not in the OECD Model Article 7; pertains to deductions permissible which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere"; The Treaty Article further details what deductions are permissible, particularly payments made to head office.	UN Article 7(3) and Treaty Article 7(3) - No Deviations
Cameroon	Business profits	Business profits	Article 7(4)	Article 7(7)	Treaty Article 7(7) - No Deviations.	Corresponding UN Article 7(6) and Treaty Article 7(7) - No Deviations
Cameroon	Business profits	Business profits	No OECD Reference (Article 7(5) deleted from 2010 onwards)	Article 7(5)	Tax Treaty Article 7(5) is an additional paragraph, which is not in the OECD Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	Tax Treaty Article 7(5) is an additional paragraph, which is not in the UN Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise". However, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations." This is not in Treaty Article 7.
Cameroon	Business profits	Business profits	No OECD Reference (Article 7(6) deleted from 2010 onwards)	Article 7(6)	Treaty Article 7(6) is an additional paragraph, which is not in the OECD Model, and it states: "For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary".	UN Article 7(5) and corresponding Treaty Article 7(6) - No Deviations.
Cameroon	Shipping and air transport	International transport	Article 8(1)	Article 8(1)	OECD Model states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated". The Treaty Article 8(1) states "profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State", thus there is no mention of "Place of Effective Management" in the Treaty.	UN Model Article 8(1) states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated". The Treaty Article 8(1) states "profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State", thus there is no mention of "Place of Effective Management" in the Treaty.
Cameroon	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model pertains to the profits from the operation of boats engaged in inland waterways transport - this paragraph is not in the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Cameroon	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(2)	Treaty Article 8(2) - No Deviations.	UN Model Article 8(4) and corresponding Treaty Article 8(2) - No Deviations.
Cameroon	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	No Deviations.
Cameroon	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	No Deviations.	No Deviations.
Cameroon	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model contains an additional paragraph 9(3) which states "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This paragraph is not in the Treaty.
Cameroon	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	No Deviations.
Cameroon	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model paragraph 10(2)(a) states that "the tax so charged shall not exceed 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; whereas the Treaty Article 10(2)(a) states that "10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends". Both Treaty and OECD paragraph (b) allow for 15 per cent in all other cases.	UN Model paragraph 10(2)(a) states that "the tax so charged shall not exceed _ per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 10 per cent of the capital of the company paying the dividends; whereas the Treaty Article 2(a) states that "10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends". The Treaty under paragraph (b) allows for 15 per cent in all other cases; whereas the UN Model 10(2)(b) does not specify the percentage for all other cases, but states that it is to be established through bilateral negotiations".
Cameroon	Dividends	Dividends	Article 10(3)	Article 10(3)	No Deviations.	No Deviations.
Cameroon	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) contains an additional phrase that is not in the OECD Model, which states: "or performs in that other State independent personal services from a fixed base situated therein". Treaty Article 10(4) also refers to a "permanent establishment or fixed base" which is not in the OECD Model, only "permanent establishment".	UN Article 10(4) - Treaty Article 10(4) No Deviations, except that the Treaty refers to the provisions of Article 7 or Article 14, whereas the UN Model paragraph refers to Article 7 or Article 14. Both include the phrase "independent personal services from a fixed base situated therein"; and the term "fixed base"
Cameroon	Dividends	Dividends	Article 10(5)	Article 10(5)	OECD Model contains the phrase: " is effectively connected with a permanent establishment situated in that other State"; Treaty Article 10(5) also contains the phrase but includes the words: "permanent establishment or a fixed base".	UN Article 10(5) - Treaty Article 10(5) No Deviations; both include term "fixed base" .
Cameroon	Dividends	Dividends	No OECD Reference	Article 10(6)	Treaty Article 10(6) is an additional paragraph which is not in the OECD Model, and it states: "Notwithstanding any other provision of this Convention, where a company which is a resident of a Contracting State has a permanent establishment in the other Contracting State, the profits taxable under Article 7, paragraph 1, may be subject to an additional tax in that other State, in accordance with its laws, but the additional charge shall not exceed 10% of the amount of those profits, after deducting therefrom the corporate tax imposed on such profits by that State".	Treaty Article 10(6) is an additional paragraph which is not in the UN Model, and it states: "Notwithstanding any other provision of this Convention, where a company which is a resident of a Contracting State has a permanent establishment in the other Contracting State, the profits taxable under Article 7, paragraph 1, may be subject to an additional tax in that other State, in accordance with its laws, but the additional charge shall not exceed 10% of the amount of those profits, after deducting therefrom the corporate tax imposed on such profits by that State".
Cameroon	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) -The Treaty Article 11(1) - No Deviations.
Cameroon	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	Treaty Article 11(2) limits the tax to 10 per cent; whereas UN Model does not specify the taxation limit.
Cameroon	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3), which is a paragraph not in the OECD Model, states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and paid to the Government or the Central Bank of the other Contracting State, shall be exempt from tax in the first-mentioned Contracting State".	Treaty Article 11(3), which is a paragraph not in the UN Model, states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State and paid to the Government or the Central Bank of the other Contracting State, shall be exempt from tax in the first-mentioned Contracting State".
Cameroon	Interest	Interest	Article 11(3)	Article 11(4)	Treaty Article 11(4) - No Deviations.	UN Article 11(3) and corresponding Treaty Article 11(4) - No Deviations.
Cameroon	Interest	Interest	Article 11(4)	Article 11(5)	OECD Model includes a phrase: "in which the interest arises through a permanent establishment situated therein"; whereas the Treaty Article 11(5) phrase reads: "in which the interest arises, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein". OECD Model Article paragraph 4(a) refers to "permanent establishment"; whereas the Treaty Article 5(b) refers to "permanent establishment or fixed base"	UN Model Article 11(4) and corresponding Treaty Article 11(5) - No Deviations.
Cameroon	Interest	Interest	Article 11(5)	Article 11(6)	OECD Model refers to "permanent establishment"; whereas Treaty Article 11(6) refers to "permanent establishment or fixed base". Otherwise there are No Deviations in the Treaty.	UN Model 11(5) and corresponding Treaty Article 11(6) - No Deviations.
Cameroon	Interest	Interest	Article 11(6)	Article 11(7)	Treaty Article 11(7) - No Deviations.	UN Article 11(6) - Corresponding Treaty Article 11(7) - No Deviations.
Cameroon	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State" whereas Treaty Article 12(1) states: "may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2), which is a paragraph not contained in the OECD Model, states: "however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation".	UN Article 12(2) and Treaty Article 11(2), are aligned, however the UN Model does not specify the limit of the tax that may be charged, whereas the Treaty limits the tax that may be charged to 10%.
Cameroon	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) - includes additional terms for the definition of Royalties: "and films, tapes or discs for radio or television broadcasting".	Corresponding UN Article 12(3) and Treaty Article 12(3) No deviations - both include the additional terms for the definition of Royalties: "and films, tapes or discs for radio or television broadcasting", UN Model Article 12(3) also includes: "or the right to use, industrial, commercial or scientific equipment"; which is not in the Treaty.
Cameroon	Royalties	Royalties	Article 12(3)	Article 12(4)	OECD Model includes a phrase "in which the royalties arise through a permanent establishment situated therein"; whereas the Treaty Article 12(4) phrase reads: "in which the royalties arise, through a permanent establishment situated therein, or performs in that other State independent personal services from a fixed base situated therein". OECD Model Article refers to "permanent establishment"; whereas the Treaty Article refers to "permanent establishment or fixed base".	Corresponding UN Model Article 12(4) and Treaty Article 12(4) - No Deviations.
Cameroon	Royalties		No OECD Reference	Article 12(5)	Treaty has an additional paragraph 12(5) that is not in the OECD Model, which states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated".	UN Model Article 12(5), which is not in the OECD Model, is aligned to Treaty Article 12(5) i.e. no deviations.
Cameroon	Royalties	Royalties	Article 12(4)	Article 12(6)	Treaty Article 12(6) - No Deviations.	Corresponding UN Model Article 12(6) and Treaty Article 12(6) - No Deviations.
Cameroon	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	No Deviations.
Cameroon	Capital gains	Capital gains	Article 13(2)	Article 13(2)	Treaty Article 13(2) contains additional phrase "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services". Also, the OECD Model refers only to "permanent establishment", whereas the Treaty refers to "permanent establishment or fixed base".	UN Article 13(2) - Treaty Article 13(2) - No Deviations.
Cameroon	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model opening phrase wording states: "Gains from the alienation of ships or aircraft"; whereas Treaty Article 13(3) begins with: "Gains of an enterprise of a Contracting State from the alienation of ships or aircraft". OECD Model includes the phrase: "boats engaged in inland waterways transport" which is missing from the Treaty Article 13(3). OECD Model states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".	UN Model opening phrase wording states: "Gains from the alienation of ships or aircraft"; whereas Treaty Article 13(3) begins with: "Gains of an enterprise of a Contracting State from the alienation of ships or aircraft". UN Model includes the phrase: "boats engaged in inland waterways transport" which is missing from the Treaty Article 13(3). UN Model states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".
Cameroon	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	The Treaty Article 13(4) includes only the phrase "alienation of shares"; whereas the UN Model Article 13(4) is broader and states "capital stock of a company, or of an interest in a partnership, trust or estate". UN Model paragraph 13(4)(1) states "Nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities" - this paragraph is not reflected in the Treaty. UN Model paragraph 13(4)(2) states: "principally in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate"; whereas the Treaty Article 13(4) states: "the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property".
Cameroon	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No Treaty reference	UN Model Article 13(5) states: "Gains, other than those to which paragraph 4 applies, derived by a resident of a Contracting State from the alienation of shares of a company which is a resident of the other Contracting State, may be taxed in that other State if the alienator, at any time during the 12 month period preceding such alienation, held directly or indirectly at least ___ per cent (the percentage is to be established through bilateral negotiations) of the capital of that company". This paragraph is not reflected in the Treaty.
Cameroon	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Model Article 13(6) - Treaty Article 13(5) No deviations.
Cameroon	Fees for technical services	N/A	No OECD Reference	Article 14	Treaty Article 14 is for "Technical Services", which is not in the UN Model.	Treaty Article 14 is for "Technical Services", which is not in the UN Model.
Cameroon	Independent personal services	Independent personal services	Article 14	Article 15	Treaty Article 15 is for Independent Personal Services , which is not in the OECD Model.	UN Article 14 - Independent Personal Services - Treaty Article 15 - No Deviations.
Cameroon	Dependent personal services	Income from employment	Article 15(1)	Article 16(1)	Except for the number referencing of other provisions, no deviations between Treaty Article 16(1) and OECD Model Article 15(1).	Except for the number referencing of other provisions, no deviations between Treaty Article 16(1) and UN Model Article 15(1).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Dependent personal services	Income from employment	Article 15(2)	Article 16(2)	Treaty Article 16(2)(c) refers to a "permanent establishment or fixed base" where as OECD model only refers to "permanent establishment".	UN Model Article 15(2) - Treaty Article 16(2) - No Deviations.
Cameroon	Dependent personal services	Income from employment	Article 15(3)	Article 16(3)	OECD Model Article 15(3) includes the phrase "or aboard a boat engaged in inland waterways transport"; whereas Treaty Article 16(3) does not contain this phrase. OECD Model Article 15(3) includes the phrase: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 16(3) states: "may be taxed in that State".	UN Model Article 15(3) includes the phrase "or aboard a boat engaged in inland waterways transport"; whereas Treaty Article 16(3) does not contain this phrase. UN Model Article 15(3) includes the phrase: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 16(3) states: "may be taxed in that State".
Cameroon	Directors' fees	Directors' fees	Article 16	Article 17	Treaty Article 17 (1) states: member of the board of directors or a similar organ of a company"; whereas the OECD Article 16 only states: "member of the board of directors of a company".	UN Model Article 16(1) - Treaty Article 17(1) Treaty Article 17 (1) states: member of the board of directors or a similar organ of a company"; whereas the UN Article 16 only states: "member of the board of directors of a company".
Cameroon	Directors' fees	Directors' fees	No OECD Reference	Article 17 (2)	Treaty Article 17 (2) is an additional paragraph which refers to salaries and wages and other remuneration in capacity of official in a top-level managerial position. This is not in the OECD Model Article 16.	UN Model Article 16(2) - Treaty Article 17(2) - No Deviations.
Cameroon	Entertainers and sportspersons	Artistes and sportspersons	Article 17(1)	Article 18(1)	Only deviation is references to other provisions - OECD Model refers to the provisions of Article 14, while the Treaty Article 18(1) refers to the provisions of Articles 7, 14 and 16.	Only deviation is references to other provisions - UN Model Article 17(1) refers to the provisions of Article 14 and 15, while the Treaty Article 18(1) refers to the provisions of Articles 7, 14 and 16.
Cameroon	Entertainers and sportspersons	Artistes and sportspersons	Article 17(2)	Article 18(2)	Only deviation is references to other provisions - OECD Model refers to the provisions of Article 14, while the Treaty Article 18(2) refers to the provisions of Articles 7, 14 and 16.	Only deviation is references to other provisions - UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15, while the Treaty Article 18(2) refers to the provisions of Articles 7, 14 and 16.
Cameroon	Entertainers and sportspersons	Artistes and sportspersons	No OECD Reference	Article 18(3)	Treaty Article 18(3) is an additional paragraph which states: " Paragraphs 1 and 2 shall not apply to income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2, if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned State, a political subdivision or a local authority thereof. In such case, the income shall be taxable only in the Contracting State of which the entertainer or sportsperson is a resident". This is not in OECD Article 17.	Treaty Article 18(3) is an additional paragraph which states: " Paragraphs 1 and 2 shall not apply to income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2, if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned State, a political subdivision or a local authority thereof. In such case, the income shall be taxable only in the Contracting State of which the entertainer or sportsperson is a resident". This is not in UN Article 17.
Cameroon	Pensions and annuities	Pensions	Article 18	Article 19(1)	OECD Article 18 states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State." Treaty Article 19(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 19(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt.A) state: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State". Treaty Article 19(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 19(1) does not include the phrase: "in consideration with past employment".
Cameroon	Pensions and annuities	Pensions	No OECD Reference	Article 19(2)	Treaty Article 19(2) defines "Annuities" as "the term 'annuity' means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is paragraph is not in OECD Model in Article 18).	Treaty Article 19(2) defines "Annuities" as "the term 'annuity' means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This paragraph is not in UN Model in Article 18).
Cameroon	Pensions and annuities	Pensions	No OECD Reference	Article 19(3)	Treaty Article 19(3) refers to pensions paid and other payments made under a public scheme etc. and is not covered in OECD Model Article 18.	UN Model Article 18(2) and corresponding Treaty Article 19(3) - No Deviations.
Cameroon	Government service	Government service	Article 19(1)	Article 20(1)	Treaty Article 20(1) - No Deviations.	UN Model Article 19(1) - Treaty Article 20(1) No Deviations.
Cameroon	Government service	Government service	Article 19(2)	Article 20(2)	Treaty Article 20(2) - No Deviations.	UN Model Article 19(2) - 20(2) - No Deviations.
Cameroon	Government service	Government service	Article 19(3)	Article 20(3)	Treaty Article 20(3) - No Deviations, except for referencing other Articles.	Treaty Article 20(3) - No Deviations, except for referencing other Articles.
Cameroon	Students and business apprentices	Students	Article 20	Article 21	Treaty Article 21 - No Deviations.	UN Article 20 includes the terms "business trainee or apprentice"; whereas Treaty Article 21 refers to "business apprentice".
Cameroon	Professors, Teachers and Researchers	N/A	No OECD Reference	Article 22	Treaty Article 22 refers to Professors, Teachers and Researchers" there is no equivalent Article in the OECD Model. The Treaty Article states: "1. An individual who visits a Contracting State for a period not exceeding two years for the sole purpose of teaching or carrying out research at a university, college, school or other recognised educational institution in that State and who is or was immediately before that visit a resident of the other Contracting State, shall be exempt from tax in the first-mentioned State on any remuneration for such teaching or research, provided that such remuneration is derived by the individual from outside that State. 2. The provisions of paragraph 1 shall not apply to income from research if such activities are undertaken by the individual not in the public interest but primarily for the private benefit of some person or persons".	Treaty Article 22 refers to Professors, Teachers and Researchers" there is no equivalent Article in the UN Model. The Treaty Article states: "1. An individual who visits a Contracting State for a period not exceeding two years for the sole purpose of teaching or carrying out research at a university, college, school or other recognised educational institution in that State and who is or was immediately before that visit a resident of the other Contracting State, shall be exempt from tax in the first-mentioned State on any remuneration for such teaching or research, provided that such remuneration is derived by the individual from outside that State. 2. The provisions of paragraph 1 shall not apply to income from research if such activities are undertaken by the individual not in the public interest but primarily for the private benefit of some person or persons".
Cameroon	Other income	Other income	Article 21(1)	Article 23(1)	Treaty Article 23(1) - No Deviations.	UN Model Article 21(1) - Treaty Article 23(1) - No Deviations.
Cameroon	Other income	Other income	Article 21(2)	Article 23(2)	Treaty Article 23(2) contains the phrase: "or performs in that other State independent personal services from a fixed base situated therein", and the Treaty article refers to "Permanent Establishment or Fixed Base", whereas the OECD Model Article 21(2) only refers to "Permanent Establishment".	UN Model Article 21(2) - Treaty Article 23(2) - No Deviations, except for referencing other articles.
Cameroon	Other income	Other income	No OECD Reference	Article 23(3)	Treaty Article 23(3) is not in the OECD Model, and it states" "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) - Treaty Article 23(3) - No Deviations.
Cameroon	N/A	Capital	Article 22	No Treaty Reference	OECD Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.	UN Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Elimination of double taxation	23B Credit method	Article 23	Article 24	OECD Article 23A is the Exemption Method, and Article 23B is the Credit Method. Per Treaty Article 24 Cameroon section for Double Tax Elimination is based on the Exemption Method, whereas the South African section is based on the Credit Method.	UN Article 23A is the Exemption Method, and Article 23B is the Credit Method. Per Treaty Article 24 Cameroon section for Double Tax Elimination is based on the Exemption Method, whereas the South African section is based on the Credit Method.
Cameroon	Elimination of double taxation	23B Credit method	Article 23A(1)	Article 24(1)	The Exemption method for Cameroon corresponds to OECD Article 23(A)(1) The OECD Article refers to an exemption where a resident "derives income or owns capital", and "exempt such income or capital from tax". Treaty Article 24(A)(1)(a)(i) (Cameroon) excludes the terms: "owns capital" and "capital".	The Exemption method for Cameroon corresponds to UN Model Article 23(A)(1). The UN Article refers to an exemption where a resident "derives income or owns capital", and "exempt such income or capital from tax". Treaty Article 24(A)(1)(a)(i) (Cameroon) excludes the terms: "owns capital" and "capital".
Cameroon	Elimination of double taxation	23B Credit method	Article 23B(1)	Article 24(1)	The Credit Method for South Africa corresponds to OECD Article 23B(1). The which "a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in that other State as a deduction from the tax on the capital of that resident, b) an amount equal to the capital tax paid in that other State." There is no reference to "capital" in the Treaty Article 24(1)(a) or (b).	UN Article 23B(1) "a) as a deduction from the tax on the income of that resident, an amount equal to the income tax paid in that other State as a deduction from the tax on the capital of that resident, b) an amount equal to the capital tax paid in that other State." There is no reference to "capital" in the Treaty Article 24(1)(a) or (b).
Cameroon	Elimination of double taxation	23B Credit method	Article 23B(2)	Article 24(2)	Treaty Article 24(2) - pertains to "income derived" and "exempt income" whereas the OECD Model Article 23B(2) pertains to: "income derived or capital owned" and "exempt income or capital".	Treaty Article 24(2) - pertains to "income derived" and "exempt income" whereas the UN Model Article 23B(2) pertains to: "income derived or capital owned" and "exempt income or capital".
Cameroon	Non-discrimination	Non-discrimination	Article 24(1)	Article 25(1)	Treaty Article 25(1) - No Deviations	Treaty Article 25(1) - No Deviations.
Cameroon	Non-discrimination	Non-discrimination	Article 24(2)	N/A	OECD Article - covers "Stateless persons" not in Treaty	The UN Model Article 24(2) - pertains to "Stateless persons" not in Treaty
Cameroon	Non-discrimination	Non-discrimination	Article 24(3)	Article 25(2)	Treaty Article 25(2) - No Deviations.	Corresponding Treaty Article 25(2) - No Deviations.
Cameroon	Non-discrimination	Non-discrimination	Article 24(4)	Article 25(3)	OECD Model refers to the provisions of "paragraph 1 of Article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12"; whereas the Treaty Article 24(3) refers to: "paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 or paragraph 6 of Article 14"; and the Treaty includes the phrase " fees for technical services", whereas the OECD Model does not have this phrase. OECD Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State", where the Treaty Article 25(3) does not have this sentence.	UN Model refers to the provisions of "paragraph 1 of article 9, paragraph 6 of article 11, or paragraph 6 of article 12 apply"; whereas the Treaty Article 24(3) refers to: "paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 or paragraph 6 of Article 14"; and the Treaty includes the phrase " fees for technical services", whereas the UN Model does not have this phrase. UN Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State", where the Treaty Article 25(3) does not have this sentence.
Cameroon	Non-discrimination	Non-discrimination	Article 24(5)	Article 25(4)	Treaty Article 25(4) - No Deviations.	Corresponding Treaty Article 25(4) - No Deviations.
Cameroon	Non-discrimination	Non-discrimination	No OECD Reference	Article 25(5)	Treaty additional Article 25(5), not in OECD Model Article 24, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Cameroon, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty additional Article 25(5), not in UN Model Article 24, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Cameroon, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Cameroon	Non-discrimination	Non-discrimination	No OECD Reference	Article 25(6)	Treaty additional Article 25(6), not in OECD Model Article 24, which states: "In no case shall the provisions of this Article be construed as preventing either Contracting State from: (a) imposing the taxes described in paragraph 6 of Article 10; (b) applying the provisions of its domestic law as regards thin capitalisation and transfer pricing".	Treaty additional Article 25(6), not in UN Model Article 24, which states: "In no case shall the provisions of this Article be construed as preventing either Contracting State from: (a) imposing the taxes described in paragraph 6 of Article 10; (b) applying the provisions of its domestic law as regards thin capitalisation and transfer pricing".
Cameroon	Non-discrimination	Non-discrimination	Article 24(6)	Article 25(7)	Treaty Article 25(7) - No Deviations.	UN Article 24(6) Corresponding Treaty Article 25(7) - No Deviations.
Cameroon	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 26(1)	Treaty Article 26(1) - Referencing to other Article - OECD Model makes reference to Article 24; whereas Treaty makes reference to Article 25.	UN Article 25(1) - Corresponding Treaty Article 26(1) - Referencing to other Article - UN Model Article 25(1) makes reference to Article 24; whereas Treaty makes reference to Article 25.
Cameroon	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 26(2)	Treaty Article 26(2) - No Deviations.	UN Article 25(2) - Corresponding Treaty Article 26(2) - No Deviations.
Cameroon	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 26(3)	Treaty Article 26(3) - No Deviations.	UN Article 25(3) Corresponding Treaty Article 26(3) - No Deviations.
Cameroon	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 26(4)	Treaty Article 26(4) - No Deviations.	Corresponding Treaty Article 26(4) - First sentence does not deviate from the UN Article 25(4) First sentence. However, UN Article 25(4) contains an additional sentence that is not in the Treaty, which states: "The competent authorities, through consultations, may develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article".
Cameroon	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	Article 26(5)	OECD Article 25(5) is an additional paragraph not in the Treaty Article 26, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc.	Under Alternative B of UN Model Article 25, there is such a paragraph that corresponds to the OECD Model Article 25(5) however, the Treaty does not include this paragraph, and thus the Treaty Article 26 is compliant to UN Model 25 Alternative A, which does not contain paragraph 5.
Cameroon	Exchange of information	Exchange of information	Article 26(1)	Article 27(1)	Treaty Article 27(1) No Deviations.	UN Article 26(1) contains the phrase: "in particular, information shall be exchanged that would be helpful to a Contracting State in preventing avoidance or evasion of such taxes". Treaty Article 27(1) does not include this phrase.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Cameroon	Exchange of information	Exchange of information	Article 26(2)	Article 27(2)	OECD Article contains an additional sentence, not included in Treaty Article 27(2), which states: "Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorises such use".	UN Article 26(2) - Corresponding Treaty Article 27(2) - No Deviations.
Cameroon	Exchange of information	Exchange of information	Article 26(3)	Article 27(3)	Treaty Article 27(3) - No Deviations.	UN Article 26(3) - Corresponding Treaty Article 27(3) - No Deviations.
Cameroon	Exchange of information	Exchange of information	Article 26(4)	Article 27(4)	Treaty Article 27(4) - No Deviations.	UN Article 26(4) - Corresponding Treaty Article 27(4) - No Deviations.
Cameroon	Exchange of information	Exchange of information	Article 26(5)	Article 27(5)	Treaty Article 27(5) - No Deviations.	UN Article 26(5) - Corresponding Treaty Article 27(5) - No Deviations.
Cameroon	Exchange of information	Exchange of information	No OECD Reference	N/A	No OECD or Treaty reference.	UN Article 26(6) is an additional paragraph which states: "The competent authorities shall, through consultation, develop appropriate methods and techniques concerning the matters in respect of which exchanges of information under paragraph 1 shall be made". This is not in Treaty Article 27.
Cameroon	N/A	Assistance in the collection of taxes	Article 27	N/A	OECD Article covers: "Assistance in the Collection of Taxes"; the Treaty does not include this Article.	UN Article 27 covers: "Assistance in the Collection of Taxes"; the Treaty does not include this Article.
Cameroon	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 28	Treaty Article 28 - No Deviations.	UN Article 28 - Treaty Article 28 - No Deviations.
Cameroon	N/A	Territorial extension	Article 29	N/A	OECD Article covers "Territorial Extensions"; the Treaty does not include this Article.	UN Model does not have this Article, i.e. No deviation between the Treaty and the UN Model.
Cameroon	Entry into force	Entry into force	Article 30	Article 29	Article 29 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to OECD wording.	Article 29 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to UN Article 29 wording.
Cameroon	Termination	Termination	Article 31	Article 30	This Article is for Termination - the Treaty Article 30 has laid out rules for termination, wording is different to the OECD Model wording.	UN 30 Article is for Termination - the Treaty Article 30 has laid out rules for termination, wording is different to the UN Model wording.
DRC	Entry into force: 18 July 2012 Conclusion date: 29 April 2005				OECD Model 2003	UN Model 2001
DRC	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
DRC	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".	UN Model Article 2(1) applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".
DRC	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". OECD Model Article includes an additional phrase: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", this is not in Treaty Article 2(2).	UN Model Article 2(2) applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". UN Model Article 2(2) includes an additional phrase "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", this is not in Treaty Article 2(2).
DRC	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model Article is for states to specify taxes, Treaty Article 3 states the taxes that the convention applies to for South Africa and the DRC; and lists types of taxes on income. Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes, Treaty Article 3 states the taxes that the convention applies to for South Africa and the DRC; and lists types of taxes on income. Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).
DRC	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	No Deviations.	UN Model Article 2(4) last phrase states "significant changes made to their tax law"; whereas Treaty Article 2(4) states: "significant changes that have been made in their taxation laws".
DRC	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term ""Democratic Republic of Congo" means the territory of the Democratic Republic of Congo", (b) the term "South Africa" means the Republic of South Africa". The treaty further defines the Democratic Republic of Congo and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term ""Democratic Republic of Congo" means the territory of the Democratic Republic of Congo", (b) the term "South Africa" means the Republic of South Africa". The treaty further defines the Democratic Republic of Congo and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
DRC	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	Definition of "Person" - corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
DRC	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	Definition of "Enterprise": OECD Model Article 3(1)(c) and Treaty Article 3(1)(g) states: "the term enterprise applies to the carrying on of any business", No Deviations.	Treaty Article 3(1)(g) states: "the term enterprise applies to the carrying on of any business"; there is no definition of "enterprise" in UN Model Article 3(1).
DRC	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	Treaty Article 3(1)(i) contains additional items in the definition of international traffic: "or rail or road transport vehicles"; The OECD Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".	Treaty Article 3(1)(i) contains additional items in the definition of international traffic: "or rail or road transport vehicles"; The UN Model Article 3(1)(d) states "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".
DRC	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	"Legal Person" -OECD Model Article 3(1)(g)(ii) includes "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	Treaty Article 3(1)(j)(i) includes "citizenship"; which is not included in UN Model Article 3(1)(f)(i). "Legal Person" - UN Model Article 3(1)(f)(ii) includes "partnership"; whereas Treaty Article 3(1)(g)(ii) omits the term "partnership".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	OECD Model Article 3(1)(h) and Treaty Article 3(1)(d) defines the term "business", No Deviations.	Treaty Article 3(1)(d) defines the term "business" as: "includes the performance of professional services and of other activities of an independent character"; whereas UN Model Article 3(1) does not have such a definition.
DRC	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
DRC	Resident	Resident	Article 4(1)	Article 4(1)	OECD Article 4(1) additional sentence: "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". This sentence is not in the Treaty.	UN Model Article 4(1) includes "place of incorporation" which is not included in Treaty Article 4(1). UN Model Article 4(1) additional sentence: "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". This sentence is not in the Treaty.
DRC	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".	UN Article 4(2)(a) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".
DRC	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with: "if sole residence cannot be determined under the provisions of subparagraph (a). OECD Article 4(2)(b) phrase : " shall be deemed to be a resident only of the State"; whereas this phrase in Treaty Article 4(2)(b) replaces "only" with "solely".	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a). UN Article 4(2)(b) phrase : " shall be deemed to be a resident only of the State"; whereas this phrase in Treaty Article 4(2)(b) replaces "only" with "solely".
DRC	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".	UN Article 4(2)(c) contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".
DRC	Resident	Resident	Article 4(3)	Article 4(3)	OECD Article phrase: "deemed to be a resident only"; Treaty Article 4(3) "only" is replaced with "solely".	UN Model Article 4(3) phrase: "deemed to be a resident only"; Treaty Article 4(3) "only" is replaced with "solely".
DRC	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
DRC	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	OECD Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas OECD Model article 5(2)(f) refers only to "extraction of natural resources".	UN Model Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas UN Model article 5(2)(f) refers only to "extraction of natural resources".
DRC	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months; corresponding Treaty Article 5(3)(a) states: "a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) includes the phrase: "last more than six months"; whereas Treaty Article 5(3)(a) states: "continues for a period of more than six months".
DRC	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) the phrase "but only if activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods aggregating more than six months within any twelve-month period"; whereas Treaty Article 5(3)(b) states: "only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
DRC	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c), additional paragraph not in OECD Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c), additional paragraph not in UN Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
DRC	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
DRC	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5) initial paragraph and paragraph 5(a) are equivalent to Treaty Article 5. UN Model Article 5(5)(b) is an additional paragraph which states "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise", this is not in the Treaty.
DRC	Permanent Establishment	Permanent Establishment	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 5(6), not in Treaty, states: "notwithstanding the preceding provisions of this article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
DRC	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(6), which states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
DRC	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(7) No Deviations.
DRC	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	UN Article 6(1) -Treaty Article 6(1) No Deviations.
DRC	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	Treaty Article 6(2) also excludes "rail or road transport vehicles" from "immoveable property"; whereas OECD Article 6(2) does not.	Treaty Article 6(2) also excludes "rail or road transport vehicles" from "immoveable property"; whereas UN Article 6(2) does not.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Article 6(3) - Treaty Article 6(3) No Deviations.
DRC	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Article 6(4) contains an additional phrase, not included in Treaty Article 6(4), which states: "and to income from immovable property used for the performance of independent personal services".
DRC	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1)(a) and 7(1)(a) correspond to Treaty Article 7(1). The UN Model 7(1) has additional paragraphs: " (b) in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; these are not in the Treaty Article 7.
DRC	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
DRC	Business profits	Business profits	Article 7(3) Deleted from 2010 onwards	Article 7(3) Deleted from 2010 onwards	Treaty Article 7(3) includes an additional paragraph, not in the OECD Model, which states: "however, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are also additional limitations regarding payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations (Both have the additional paragraph not in OECD Model).
DRC	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(6) - Treaty Article 7(4) No Deviations.
DRC	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
DRC	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
DRC	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
DRC	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	Treaty Article 8(1) International Traffic definition includes: "rail or road transport vehicles". The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	Treaty Article 8(1) International Traffic definition includes: "rail or road transport vehicles". The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
DRC	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
DRC	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
DRC	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) defines profits for international traffic: "for the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles". No equivalent OECD Model article.	Treaty Article 8(2) defines profits for international traffic: "for the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles". No equivalent UN Model article.
DRC	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) is an additional paragraph; which states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD article.	Treaty Article 8(3) is an additional paragraph; which states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model article.
DRC	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
DRC	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
DRC	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No Treaty reference	UN Model Article 9(3) is an additional paragraph which states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".
DRC	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
DRC	Dividends	Dividends	Article 10(2)	Article 10(2)	No Deviations.	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2)(a) states: "at least 25 per cent of the capital" and taxation "shall not exceed 5 per cent". UN Model Article 10(2)(b) does not specify the percentage "in all other cases"; the Treaty Article states "15 per cent in all other cases".
DRC	Dividends	Dividends	Article 10(3)	Article 10(3)	No Deviations	UN Model Article 10(3) - Treaty Article 10(3) No Deviations.
DRC	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment". UN Model Article 10(4) references the provisions of Articles 7 and 14; whereas the Treaty refers to Article 7.
DRC	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
DRC	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
DRC	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the percentage of taxation, Treaty Article limits tax to 10%.
DRC	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Central Bank of Congo, the South African Reserve Bank or any wholly owned institution of that Government or subdivision or authority".	No UN Model reference; Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Central Bank of Congo, the South African Reserve Bank or any wholly owned institution of that Government or subdivision or authority".
DRC	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.
DRC	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) - No Deviations.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(5), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 11(4) includes the paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". The Treaty Article 11(5) only refers to permanent establishment, not fixed base.
DRC	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(6) only refers to: "permanent establishment".
DRC	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) - Treaty Article 11(7) - No Deviations.
DRC	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State: The Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviations.
DRC	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: " however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) corresponds to Treaty Article 12(2). The UN Model does not specify the tax percentage, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 10 per cent of the gross amount of the royalties".
DRC	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting" and "the right to use, industrial, commercial, or scientific equipment".	UN Model Article 12(3) - Treaty Article 12(3) - No Deviations.
DRC	Royalties	Royalties	Article 12(3)	Article 12(3)	OECD Article references the provisions of paragraph 1; whereas the Treaty Article 12(4) references the provisions of paragraph 1 and 2. No other deviations.	UN Model Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in Treaty Article 12(4). UN Model also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12(4) does not include paragraph (b); and only refers to the Provisions of Article 7.
DRC	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) includes the terms "permanent establishment or fixed base"; whereas Treaty Article 12(5) only includes the terms "permanent establishment" and not "fixed base".
DRC	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) - Treaty Article 12(6) - No Deviations.
DRC	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) - Treaty Article 13(1) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). The UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".
DRC	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways" whereas Treaty Article 13(3) includes: "rail or road transport vehicles". OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways" whereas Treaty Article 13(3) includes: "rail or road transport vehicles". UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".
DRC	Capital gains	Capital gains	Article 13(4)	Article 13(4)	OECD Article states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; whereas the Treaty Article only refers to: "gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State"; Treaty does not contain the phrase: "50 per cent of their value".	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; 2) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
DRC	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) Is an additional paragraph, not in the Treaty, which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ____ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State".
DRC	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.
DRC	N/A	Independent personal services	Article 14	N/A	Deleted in OECD Model, and Treaty also does not have an Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which has been deleted from OECD Model, and the Treaty also does not include this Article.
DRC	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 14, 17 and 18.	UN Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 14, 17 and 18.
DRC	Income from employment	Income from employment	Article 15(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 14(2) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 14(2) only refers to "permanent establishment".
DRC	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft or rail or road transport vehicle operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 14(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship, aircraft or rail or road transport vehicle operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
DRC	Directors' fees	Directors' fees	Article 16	Article 14	Corresponding Treaty Article 14 - No Deviations.	UN Model Article 16(1) -Treaty Article 14(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.
DRC	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	OECD Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.
DRC	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	OECD Model Article refers to the provisions of Articles 7 and 14; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.
DRC	Pensions and annuities	Pensions	Article 18	Article 17(1)	The OECD Model refers to" a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".	UN Model Article refers to" pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 17(1) states: ""pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".
DRC	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	Treaty Article 17(2) defines Annuities: " means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	No UN Model reference, Treaty Article 17(2) defines Annuities: " means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".
DRC	Pensions and annuities	Pensions	No OECD Reference	Article 17(3)	Treaty Article 17(3) is an additional paragraph: " Notwithstanding the provisions of paragraph 1, pensions and other payments made under the social security legislation of a Contracting State shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; whereas Treaty Article 17(3) refers to: "pensions and other payments made under the social security legislation of a Contracting State".
DRC	Government service	Government service	Article 19(1)	Article 18(1)	Corresponding Treaty Article 18(1) - No Deviations.	UN Model Article 19(1) -Treaty Article 18(1) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	Government service	Government service	Article 19(2)	Article 18(2)	Corresponding Treaty Article 18(2) - No Deviations.	UN Model Article 19(2) -Treaty Article 18(2) - No Deviations.
DRC	Government service	Government service	Article 19(3)	Article 18(3)	OECD Article refers to the provisions of Articles 15,16,17 and 18; whereas the Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.	UN Model Article 19(3) refers to the provisions of Articles 15,16,17 and 18; whereas the Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.
DRC	Students, apprentices and trainees	Students	Article 20	Article 19	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 19 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 19 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
DRC	Other income	Other income	Article 21(1)	Article 20(1)	Corresponding Treaty Article 20(1) - No Deviations.	UN Model Article 21(1) -Treaty Article 20(1) - No Deviations.
DRC	Other income	Other income	Article 21(2)	Article 20(2)	Corresponding Treaty Article 20(2) - No Deviations.	UN Model Article 21(2) includes an additional paragraph: "or performs in that other State independent personal services from a fixed base situated therein" which is not included in Treaty Article 19(2). UN Model Article refers to "permanent establishment or fixed base" whereas the Treaty Article only refers to "permanent establishment". UN Model Article 21(2) also references the provisions of Articles 7 or 14; whereas the Treaty references the provisions of Articles 7.
DRC	Other income	Other income	No OECD Reference	Article 20(3)	Treaty Article 20(3) is an additional paragraph, not in OECD Model, and states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) -Treaty Article 20(3) - No Deviations
DRC	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
DRC	Elimination of double taxation	23B Credit method	Article 23(1)	Article 21(1)	OECD Model 23A is Exemption method, and 23B is the Credit method. Treaty Article 21 provides for the Exemption method in DRC, and the Credit method for SA. Treaty Article 21(a) states: "where a resident of the Democratic Republic of Congo derives income from a source outside the Democratic Republic of Congo which, in accordance with the provisions of this Convention, may be taxed in South Africa, the Democratic Republic of Congo shall exempt that income from tax". Treaty Article 21(b) in South Africa, provides for a deduction from tax payable in South Africa of tax payable, but states that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". OECD Model 23(1) includes references to "capital" whereas there is no mention of "capital" in Treaty Article 21.	UN Model 23A is Exemption method, and 23B is the Credit method. Treaty Article 21 provides for the Exemption method in DRC, and the Credit method for SA. Treaty Article 21(a) states: "where a resident of the Democratic Republic of Congo derives income from a source outside the Democratic Republic of Congo which, in accordance with the provisions of this Convention, may be taxed in South Africa, the Democratic Republic of Congo shall exempt that income from tax". Treaty Article 21(b) in South Africa, provides for a deduction from tax payable in South Africa of tax payable, but states that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". UN Model 23 includes references to "capital" whereas there is no mention of "capital" in Treaty Article 21.
DRC	Elimination of double taxation	23B Credit method	Article 23(2)	Article 21(2)	OECD Model Article 23(2) is an additional paragraph not in the Treaty Article 21, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23(2) is an additional paragraph not in the Treaty Article 21, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
DRC	Non-discrimination	Non-discrimination	Article 24(1)	Article 22(1)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 22(1) - No Deviations.
DRC	Non-discrimination	Non-discrimination	Article 24(2)	Article 22(2)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 22(2) - No Deviations.
DRC	Non-discrimination	Non-discrimination	Article 24(3)	Article 22(3)	Corresponding Treaty Article 22(3) - No Deviations.	UN Model Article 24(3) -Treaty Article 22(3) - No Deviations.
DRC	Non-discrimination	Non-discrimination	Article 24(4)	Article 22(4)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article 22(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 22(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
DRC	Non-discrimination	Non-discrimination	Article 24(5)	Article 22(5)	Corresponding Treaty Article 22(5) - No Deviations.	UN Model Article 24(5) -Treaty Article 22(5) - No Deviations.
DRC	Non-discrimination	Non-discrimination	No OECD Reference	Article 22(6)	Treaty Article 22(6) is a paragraph not in the OECD Model Article 24 and states: "nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in the Democratic Republic of Congo, a tax at a rate not exceeding five per cent on the amount of the profits of the permanent establishment, after deduction of the corporate tax relating to such profits; and (b) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points.	Treaty Article 22(6) is a paragraph not in the UN Model Article 24 and states: "nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in the Democratic Republic of Congo, a tax at a rate not exceeding five per cent on the amount of the profits of the permanent establishment, after deduction of the corporate tax relating to such profits; and (b) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points.
DRC	Non-discrimination	Non-discrimination	Article 24(6)	Article 22(7)	Corresponding Treaty Article 22(7) - No Deviations.	UN Model Article 24(6) -Treaty Article 22(7) - No Deviations.
DRC	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 23(1)	OECD Article references paragraph 1 of Article 24; whereas Treaty Article 23(1) references paragraph 1 of Article 22.	UN Model Article 25(1) references paragraph 1 of Article 24; whereas Treaty Article 23(1) references paragraph 1 of Article 22.
DRC	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 25(2) -Treaty Article 23(2) - No Deviations.
DRC	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 23(3)	Corresponding Treaty Article 23(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 23(3) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
DRC	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 23(4)	Corresponding Treaty Article 23(4) - No Deviations.	UN Model Article 25(4) includes an additional sentence, not in Treaty Article 23(4), which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure".
DRC	Exchange of information	Exchange of information	Article 26(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 26(1) includes the phrase" not restricted by article 1"; whereas Treaty Article 24(1) phrase reads: " not restricted by Articles 1 and 2". UN Model Article 26(1) includes the phrase: "in particular for the prevention of fraud or evasion of such taxes" and the phrase: "however, if the information is originally regarded as secret in the transmitting State"; both phrases are not in the Treaty. UN Model Article additional sentence: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance".
DRC	Exchange of information	Exchange of information	Article 26(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 26(2) -Treaty Article 24(2) - No Deviations
DRC	Assistance in the collection of taxes	Assistance in the collection of taxes	Article 27	Article 25	Corresponding Treaty Article 25 - No Deviations in any paragraph.	No UN Model equivalent for the "Assistance in Collection of Taxes".
DRC	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 26	Treaty Article 26 - No Deviations.	UN Model Article 27 -Treaty Article 26 - No Deviations.
DRC	Amendments	N/A	No OECD Reference	Article 27	Treaty Article 27 refers to "Amendments" 1. The Contracting States may, at any time, amend this Convention by mutual consent in writing through the diplomatic channel. 2. The amendments to the Convention shall be ratified according to the procedures required by the domestic law of each Contracting State. The Contracting States shall notify each other of the completion of these procedures through the diplomatic channel. 3. The amendments shall enter into force on the date of receipt of the later of these notifications.	No UN Model reference; Treaty Article 27 refers to "Amendments" 1. The Contracting States may, at any time, amend this Convention by mutual consent in writing through the diplomatic channel. 2. The amendments to the Convention shall be ratified according to the procedures required by the domestic law of each Contracting State. The Contracting States shall notify each other of the completion of these procedures through the diplomatic channel. 3. The amendments shall enter into force on the date of receipt of the later of these notifications.
DRC	N/A	Territorial extension	Article 29	N/A	OECD Article 29 - Territorial Extension - No Treaty equivalent	No UN Model equivalent for Territorial Extension, nor in Treaty
DRC	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 28. The Treaty has specific rules for the "Entry into Force".
DRC	Termination	Termination	Article 31	Article 29	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 29. The treaty has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Ethiopia	Entry into force: 4 Jan. 2006 Conclusion date: 17 March 2004				OECD Model 2003	UN Model 2001
Ethiopia	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Ethiopia	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".	UN Model Article 2(1) applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".
Ethiopia	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". OECD Model Article includes an additional phrase "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", this is not in Treaty Article 2(2).	UN Model Article 2(2) applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". UN Model Article 2(2) includes an additional phrase: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", this is not in Treaty Article 2(2).
Ethiopia	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Ethiopia. Other than "income" taxes; Treaty Article (3(a)(iv) includes "change winnings" (Ethiopia)" and Article 2(3)(b)(ii) the secondary tax on companies (SA). Also, Treaty Article 2(3)(a)(v) "Capital Gains" tax, for Ethiopia only, not SA.	UN Model Article 2(3) is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Ethiopia. Other than "income" taxes; Treaty Article (3(a)(iv) includes "change winnings" (Ethiopia)" and Article 2(3)(b)(ii) the secondary tax on companies (SA). Also, Treaty Article 2(3)(a)(v) "Capital Gains" tax, for Ethiopia only, not SA.
Ethiopia	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Article last phrase: "in their taxation laws"; whereas Treaty Article 2(4) states: "in their respective taxation laws".	UN Model Article 2(4) states: "significant changes made to their tax law"; whereas Treaty Article 2(4) states: "the competent authorities of the Contracting States shall notify each other of any significant changes that have been made in their respective taxation laws.".
Ethiopia	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Ethiopia" means the Federal Democratic Republic of Ethiopia; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Ethiopia and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Ethiopia" means the Federal Democratic Republic of Ethiopia; (b) the term "South Africa" means the Republic of South Africa The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Ethiopia	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	OECD Model Article 3(1)(c) and Treaty Article 3(1)(g) states: "the term enterprise applies to the carrying on of any business"; No Deviations.	Treaty Article 3(1)(g) states: "the term enterprise applies to the carrying on of any business"; this paragraph is not in UN Model Article 3(1).
Ethiopia	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	The OECD Article 3(1)(e) states: "that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	The UN Model Article 3(1)(d) states: "that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Ethiopia	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article "Nationality" 3(1)(g)(i) includes the term "citizenship"; which is not included in Treaty Article 3(1)(j)(i). OECD Model Article 3(1)(g)(ii) "Legal Person" includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) includes the phrase: "includes a partnership in the case of Ethiopia".	UN Model Article 3(1)(f)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) includes the phrase: "includes a partnership in the case of Ethiopia".
Ethiopia	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	Corresponding Treaty Article 3(1)(d) defines the term "business"; No Deviations.	Treaty Article 3(1)(d) defines the term "business" as "includes the performance of professional services and of other activities of an independent character"; whereas UN Model Article 3(1) does not have a definition for "business".
Ethiopia	General definitions	General definitions	No OECD Reference	Article 3(1)(l)	Treaty Article 3(1)(l) includes the phrase: "the term 'tax' means Ethiopian tax or South African tax, as the context requires, but does not include any penalties or fines in respect of any default or omission in relation thereto". This is not in OECD Model Article 3(1).	Treaty Article 3(1)(l) includes the phrase: "the term 'tax' means Ethiopian tax or South African tax, as the context requires, but does not include any penalties or fines in respect of any default or omission in relation thereto". This is not in UN Model Article 3(1).
Ethiopia	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Ethiopia	Resident	Resident	Article 4(1)	Article 4(1)	OECD Article 4(1) last sentence: "does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein; whereas Treaty Article 4(1) states: "does not include any person who is liable to tax in that State in respect only of income from sources therein".	UN Article 4(1) includes phrase: "place of incorporation" which is not in the Treaty Article 4(1); UN Article 4(1) last sentence: "does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein; whereas Treaty Article 4(1) states: "does not include any person who is liable to tax in that State in respect only of income from sources therein".
Ethiopia	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".	UN Article 4(2)(a) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".
Ethiopia	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with: "if sole residence cannot be determined under the provisions of subparagraph (a)". OECD Article includes the term "only"; whereas Treaty uses the term "solely".	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with: "if sole residence cannot be determined under the provisions of subparagraph (a). UN Article includes the term "only"; whereas Treaty uses the term "solely".
Ethiopia	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(c) states : "deemed to be a resident solely".	UN Model Article 4(2)(c) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(c) states : "deemed to be a resident solely".
Ethiopia	Resident	Resident	Article 4(2)(d)	Article 4(2)(d)	No Deviations.	UN Model Article 4(2)(d) - Treaty Article 4(2)(d) - No Deviations.
Ethiopia	Resident	Resident	Article 4(3)	Article 4(3)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".	UN Model Article 4(3) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e)	Article 5(2)(a) - (e)	OECD Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).	UN Model Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	No OECD Reference	Treaty Article 5(2)(f) is an additional paragraph, not in OECD Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for others".	Treaty Article 5(2)(f) is an additional paragraph, not in UN Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for others".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(2)(f)	Article 5(2)(f)	Treaty Article 5(2)(g) includes "extraction or exploitation of natural resources"; whereas OECD Model article 5(2)(f) refers only to "extraction of natural resources".	Treaty Article 5(2)(g) includes "extraction or exploitation of natural resources"; whereas UN Model article 5(2)(f) refers only to "extraction of natural resources".
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(h)	Treaty Article 5(2)(h) is an additional paragraph, not in OECD Model Article 5, which states: "a farm, a plantation or any other place where agricultural, forestry, plantation or related activities are carried on".	Treaty Article 5(2)(h) is an additional paragraph, not in UN Model Article 5, which states: "a farm, a plantation or any other place where agricultural, forestry, plantation or related activities are carried on".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months; corresponding Treaty Article 5(3)(a) states: "a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) includes the phrase: "last more than six months"; whereas Treaty Article 5(3)(a) states: "continues for a period of more than six months".
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) the phrase "aggregating more than six months within any twelve-month period"; whereas Treaty Article 5(3)(b) states: "aggregating more than six months in any twelve-month period commencing or ending in the fiscal year concerned".
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c), additional paragraph not in OECD Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods aggregating more than six months in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c), additional paragraph not in UN Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods aggregating more than six months in any twelve-month period commencing or ending in the fiscal year concerned".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	OECD Article includes "delivery" as a purpose; whereas the Treaty Article 5(4)(a) does not include the term "delivery".	UN Article 5(4)(a) - Treaty Article 5(4)(a) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	OECD Article includes "delivery" as a purpose; whereas the Treaty Article 5(4)(b) does not include the term "delivery".	UN Article 5(4)(b) - Treaty Article 5(4)(b) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(c)	Article 5(4)(c)	No Deviations.	No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(d)	Article 5(4)(d)	No Deviations.	No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(e)	Article 5(4)(e)	Treaty Article 5(4)(e) includes the phrase: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise"; where as the OECD Model Article states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character".	Treaty Article 5(4)(e) includes the phrase: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise"; where as the UN Model Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(4)(f)	No Deviations.	UN Article 5(4)(f) - Treaty Article 5(4)(f) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)(a)	Treaty Article 5(5) and 5(5)(a) correspond to OECD Article 5(5); OECD article references paragraph 6; whereas Treaty references paragraph 7.	UN Model Article 5(5)(a) - Treaty Article 5(5)(a) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(5)(b)	Treaty Article 5(5)(b) is an additional paragraph, not in OECD Model, which states: "has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which goods or merchandise are regularly delivered on behalf of the enterprise".	UN Model Article 5(5)(b) - Treaty Article 5(5)(b) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(6)	Treaty Article 5(6) is an additional article, which is not in the OECD Model, and states: "notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to reinsurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".	UN Model Article 5(6) - Treaty Article 5(6) - No Deviations.
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(7)	Corresponding Treaty Article 5(7) - No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(7), which states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Ethiopia	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Corresponding Treaty Article 5(8) - No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Ethiopia	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	OECD Model Article includes the phrase "including income from agriculture or forestry"; whereas Treaty Article 6(1) does not.	UN Model Article 6(1) includes the phrase "including income from agriculture or forestry"; whereas Treaty Article 6(1) does not.
Ethiopia	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	OECD Article includes additional items: "livestock and equipment used in agriculture and forestry" where as Treaty Article 6(2) does not.	UN Article includes additional items: "livestock and equipment used in agriculture and forestry" where as Treaty Article 6(2) does not.
Ethiopia	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Article 6(3) - Treaty Article 6(3) No Deviations.
Ethiopia	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Article 6(4) contains an additional phrase, not included in Treaty Article 6(4), which states: "and to income from immovable property used for the performance of independent personal services".
Ethiopia	Business profits	Business profits	Article 7(1)	Article 7(1)	OECD Article 7(1) corresponds to Treaty Article 7(1) beginning paragraph and paragraph 7(1)(a). The Treaty Model 7(1) has additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". These are not in the OECD Model.	UN Article 7(1) - Treaty Article 7(1) - No Deviations.
Ethiopia	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Ethiopia	Business profits	Business profits	Article 7(3)	Article 7(3)	No Deviations.	UN Article 7(3) additional paragraph: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are also additional limitations regarding payments to head office.
Ethiopia	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(6) - Treaty Article 7(4) No Deviations.
Ethiopia	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Ethiopia	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Ethiopia	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent OECD Model Article 8.	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent UN Model Article 8.
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) is an additional paragraph which states: Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD article.	Treaty Article 8(3) is an additional paragraph which states: Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model Article 8.
Ethiopia	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
Ethiopia	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Ethiopia	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Ethiopia	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This is not in the Treaty.
Ethiopia	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Ethiopia	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "the tax so charged shall not exceed 10 per cent of the gross amount of the dividends". There is no limit for taxation in the Treaty for all other cases, and the Treaty does not specify a percentage ownership.	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "the tax so charged shall not exceed 10 per cent of the gross amount of the dividends". Both Treaty Article 10(1) and UN Model Article 10(2)(b) do not specify the percentage "in all other cases".
Ethiopia	Dividends	Dividends	Article 10(3)	Article 10(3)	No Deviations.	UN Model Article 10(3) - Treaty Article 10(3) No Deviations.
Ethiopia	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment". UN Model Article 10(4) references the provisions of Articles 7 and 14; whereas the Treaty refers to Article 7,
Ethiopia	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
Ethiopia	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Ethiopia	Interest	Interest	Article 11(2)	Article 11(2)	Treaty Article 11(2) if the beneficial owner is a resident of the other contracting state, then "the tax so charged shall not exceed 8 per cent of the gross amount of the interest", OECD Article limits the tax charged to 10 per cent.	UN Model Article 11(2) does not specify the percentage of taxation, Treaty Article limits tax to 8 per cent.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or (b) the interest is paid to the Government of the other Contracting State or a political subdivision or a local authority thereof; or (c) the interest is paid to the National Bank of Ethiopia or the South African Reserve Bank; or (d) the interest is paid to any institution or body (including a financial institution) in relation to loans made in application of an agreement concluded between the Governments of the Contracting States".	No UN Model reference; Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or (b) the interest is paid to the Government of the other Contracting State or a political subdivision or a local authority thereof; or (c) the interest is paid to the National Bank of Ethiopia or the South African Reserve Bank; or (d) the interest is paid to any institution or body (including a financial institution) in relation to loans made in application of an agreement concluded between the Governments of the Contracting States".
Ethiopia	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) -Treaty Article 11(4) - No Deviations.
Ethiopia	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) phrase states that "The provisions of paragraphs 1, 2 and 3 shall not apply"; whereas the OECD Article 11(4) states "the provisions of paragraphs 1 and 2 shall not apply". Not a significant deviation.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(5), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 11(4) includes the paragraph "effectively connected with (a) such permanent establishment; or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 11(5) only refers to permanent establishment, not fixed base, and does not contain the additional paragraph (b) ; and the Treaty Article only references the provisions of Article 7 to apply where interest paid from a effectively connected permanent establishment.
Ethiopia	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(6) only refers to: "permanent establishment".
Ethiopia	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.
Ethiopia	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State: The Treaty Article 12(1) only refers to: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State.".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations
Ethiopia	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: "However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 20 per cent of the gross amount of the royalties. The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation".	UN Model Article 12(2) corresponds to Treaty Article 12(2). The UN Model does not specify the tax percentage, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 20 per cent of the gross amount of the royalties".
Ethiopia	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes: "the right to use, industrial, commercial or scientific equipment"; Treaty Article 12(3) does not contain this phrase.
Ethiopia	Royalties	Royalties	Article 12(3)	Article 12(4)	OECD Article references the provisions of paragraph 1; whereas the Treaty Article 12(4) references the provisions of paragraph 1 and 2. No other deviations.	UN Model Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in Treaty Article 12(4). UN Model also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12 does not include paragraph (b), and only refers to the Provisions of Article 7.
Ethiopia	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) includes the terms "permanent establishment or fixed base"; whereas Treaty Article 12(5) only includes the terms "permanent establishment" and not "fixed base".
Ethiopia	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Ethiopia	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Ethiopia	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). The UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".
Ethiopia	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "Gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State".	UN Model Article 13(3)includes the term; "boats engaged in inland waterways" ; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "Gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Capital gains	Capital gains	Article 13(4)	Article 13(4)	OECD Article states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; whereas the Treaty Article 13(4) only refers to gains "from the alienation of shares in a company, the assets of which consist wholly or mainly of immovable property situated in the other Contracting State, may be taxed in that other State". Treaty does not contain the phrase: "50 per cent of their value".	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; 2) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
Ethiopia	Capital gains	Capital gains	No OECD Reference	Article 13(5)	Treaty Article 13(5) is an additional paragraph not in the OECD Model; which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 in a company which is a resident of a Contracting State may be taxed in that State". This paragraph is not in the OECD Model Article 13.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty does not specify a tax limit, just that these gains may be taxed.
Ethiopia	Capital gains	Capital gains	Article 13(5)	Article 13(6)	Corresponding Treaty Article 13(6) - No Deviations.	UN Article 13(6) -Treaty Article 13(6) - No Deviations.
Ethiopia	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and Treaty also does not have an Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which has been deleted from OECD Model, and the Treaty also does not included this Article.
Ethiopia	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17, 18 and 20.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17 and 18.
Ethiopia	Income from employment	Income from employment	Article 15(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 15(2)(c) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 14(2)(c) only refers to "permanent establishment".
Ethiopia	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 15(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Ethiopia	Directors' fees	Directors' fees	Article 16	Article 15	Corresponding Treaty Article 15 - No Deviations.	UN Model Article 16(1) -Treaty Article 15 - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.
Ethiopia	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	OECD Article refers to the provisions of Articles 7 and 14; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.
Ethiopia	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	OECD Model Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.
Ethiopia	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 16(3)	Treaty Article 16(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States ". There is no equivalent paragraph in OECD Model Article 17.	Treaty Article 16(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States ". There is no equivalent paragraph in UN Model Article 17.
Ethiopia	Pensions and annuities	Pensions	Article 18	Article 17(1)	OECD Model Article refers to the provisions of Article 19(2); whereas Treaty Article 17(1) refers to the provisions of Article 18(2). The OECD Model refers to" pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State."; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1).does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt.A) refers to the provisions of Article 19(2); whereas Treaty Article 17(1) refers to the provisions of Article 18(2). UN Model Article 18(1) refers to" pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1).does not include the phrase: "in consideration with past employment".
Ethiopia	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	Treaty Article 17(2) defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	NO UN Model reference, Treaty Article 17(2) defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".
Ethiopia	Pensions and annuities	Pensions	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; whereas there is no such paragraph in Treaty Article 17.
Ethiopia	Government service	Government service	Article 19(1)	Article 18(1)	Corresponding Treaty Article 18(1) - No Deviations.	UN Model Article 19(1) -Treaty Article 18(1) - No Deviations.
Ethiopia	Government service	Government service	Article 19(2)	Article 18(2)	Corresponding Treaty Article 18(2) - No Deviations.	UN Model Article 19(2) -Treaty Article 18(2) - No Deviations.
Ethiopia	Government service	Government service	Article 19(3)	Article 18(3)	OECD Article refers to the provisions of Articles 15,16,17 and 18; whereas the Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.	UN Model Article 19(3) refers to the provisions of Articles 15,16,17 and 18; whereas the Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Students and apprentices	Students	Article 20	Article 19	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 19 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 19 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Ethiopia	Professors and teachers	N/A	No OECD Reference	Article 20	Treaty Article 20 is an addition not in OECD Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding in the aggregate two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by the professor or teacher from outside that State and such remuneration is subject to tax in the other State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons.	Treaty Article 20 is an addition not in UN Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding in the aggregate two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by the professor or teacher from outside that State and such remuneration is subject to tax in the other State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons.
Ethiopia	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Model Article 21(1) - Treaty Article 21(1) - No deviations.
Ethiopia	Other income	Other income	Article 21(2)	No Treaty Reference	Treaty Article 21 does not have this second paragraph. OECD Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply".	Treaty Article does not have this second paragraph. UN Model Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply".
Ethiopia	Other income	Other income	No OECD Reference	No Treaty Reference	OECD and Treaty Article 21 - no reference	Treaty Article does not have this third paragraph. UN Model Article 21(3) states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing articles of this Convention and arising in the other Contracting State may also be taxed in that other State".
Ethiopia	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Ethiopia	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model Article 23B is the Credit method. Corresponding Treaty Article 22 provides for the Credit Method, and states as follows: (a) in Ethiopia, "whether directly or by deduction, shall be allowed as a credit against any Ethiopian tax payable in respect of that income, provided that such credit shall not exceed the Ethiopian tax, computed before allowing any such credit, which is appropriate to the income derived from South Africa"; (b) in South Africa, a deduction is given, but such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". The OECD Model Article 23(1) includes the phrase "derives income or owns capital" and a deduction on (a)the tax on the income and (b) deduction from the tax on the capital" - the Treaty does not reference capital or capital tax.	UN Model Article 23B is the Credit method. Corresponding Treaty Article 22 provides for the Credit Method, and states as follows: (a) in Ethiopia, "whether directly or by deduction, shall be allowed as a credit against any Ethiopian tax payable in respect of that income, provided that such credit shall not exceed the Ethiopian tax, computed before allowing any such credit, which is appropriate to the income derived from South Africa"; (b) in South Africa, a deduction is given, but such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". The UN Model Article 23(1) includes the phrase "derives income or owns capital" and a deduction on (a)the tax on the income and (b) deduction from the tax on the capital" - the Treaty does not reference capital or capital tax.
Ethiopia	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Model Article includes the phrase: "where income derived or capital owned by a resident of a Contracting State is exempt from tax" and "in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". The Treaty Article 22(2) makes no mention of "capital".	UN Model Article 23(2) includes the phrase: "where income derived or capital owned by a resident of a Contracting State is exempt from tax" and "in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". The Treaty Article 22(2) makes no mention of "capital".
Ethiopia	Elimination of double taxation	23B Credit method	No OECD Reference	Article 22(3) and 22(4)	There are additional paragraphs on the Treaty, not in OECD Model: Treaty Article 22(3) states: "for the purposes of paragraph 1, the terms "Ethiopian tax paid" and "South African tax payable" shall be deemed to include the amount of tax which would have been paid in Ethiopia or South Africa, as the case may be, but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Ethiopia or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". Treaty Article 22(4) states: " A grant given by a Contracting State or a political subdivision thereof to a resident o the other Contracting State in accordance with laws which establish schemes for the promotion of economic development, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph, shall not be taxable in the other State.	There are additional paragraphs on the Treaty, not in UN Model: Treaty Article 22(3) states: "for the purposes of paragraph 1, the terms "Ethiopian tax paid" and "South African tax payable" shall be deemed to include the amount of tax which would have been paid in Ethiopia or South Africa, as the case may be, but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Ethiopia or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". Treaty Article 22(4) states: " A grant given by a Contracting State or a political subdivision thereof to a resident o the other Contracting State in accordance with laws which establish schemes for the promotion of economic development, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph, shall not be taxable in the other State.
Ethiopia	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Ethiopia	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.
Ethiopia	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 23(2) - No Deviations.
Ethiopia	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(4)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article 23(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 23(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Ethiopia	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(3)	Corresponding Treaty Article 23(3) - No Deviations.	UN Model Article 24(5) -Treaty Article 23(3) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ethiopia	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Ethiopia, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points. This is not in the OECD Article.	Treaty Article 23(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Ethiopia, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points. This is not in the UN Model.
Ethiopia	Non-discrimination	Non-discrimination	Article 24(6)	No Treaty Reference	OECD Article 24(6) states: The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description." The Treaty does not include this paragraph.	UN Model Article 24(6) states: "The provisions of this article shall, notwithstanding the provisions of article 2, apply to taxes of every kind and description". The Treaty does not include this paragraph.
Ethiopia	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	OECD Article references paragraph 1 of Article 24; whereas Treaty Article 24(1) references paragraph 1 of Article 23.	UN Model Article 25(1) references paragraph 1 of Article 24; whereas Treaty Article 24(1) references paragraph 1 of Article 23.
Ethiopia	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 25(2) -Treaty Article 24(2) - No Deviations.
Ethiopia	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 24(3) - No Deviations.
Ethiopia	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Article states: "the competent authorities of the Contracting States may communicate with each other directly, including through a joint commission consisting of themselves or their representatives, for the purpose of reaching an agreement in the sense of the preceding paragraph". Corresponding Treaty Article 24(4) states: "the competent authorities of the Contracting States may communicate with each other directly for the purpose of reaching an agreement in the sense of the preceding paragraphs. When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States".	UN Model Article 25(4) includes an additional sentence, which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". Treaty Article 24(4) states: "When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States".
Ethiopia	Exchange of information	Exchange of information	Article 26(1)	Article 25(1)	Corresponding Treaty Article 25(1) - No Deviations.	UN Model Article 26(1) includes the phrase" not restricted by article 1"; whereas Treaty Article 25(1) phrase reads: "not restricted by Articles 1 and 2". UN Model Article 26(1) includes the phrase: "in particular for the prevention of fraud or evasion of such taxes" and the phrase" however, if the information is originally regarded as secret in the transmitting State"; both phrases are not in the Treaty. UN Model Article additional sentence: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance".
Ethiopia	Exchange of information	Exchange of information	Article 26(2)	Article 25(2)	Corresponding Treaty Article 25(2) - No Deviations.	UN Model Article 26(2) -Treaty Article 25(2) - No Deviations.
Ethiopia	N/A	Assistance in the collection of taxes	Article 27	No Treaty Reference	OECD Article 27 "Assistance in the Collection of Taxes" No equivalent in the Treaty.	No UN Model equivalent for the "Assistance in Collection of Taxes".
Ethiopia	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 26	Treaty Article 26 - No Deviations.	UN Model Article 27 -Treaty Article 26 - No Deviations.
Ethiopia	N/A	Territorial extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Ethiopia	Entry into force	Entry into force	Article 30	Article 27	Treaty Article 27 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 27. The Treaty has specific rules for the "Entry into Force".
Ethiopia	Termination	Termination	Article 31	Article 28	Treaty Article 28 has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 28. The treaty has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Ghana	Entry into force: 23 April 2007 Conclusion date: 2 Nov. 2004				OECD Model 2003	UN Model 2001
Ghana	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Ghana	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income and on capital gains imposed".	UN Model Article 2(1) applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income and on capital gains imposed".
Ghana	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article includes : "capital" and "total capital"; Treaty Article 2(2) includes "capital gains" and total capital gains". OECD Model Article includes an additional phrase: as well as taxes on capital appreciation", which is not in Treaty Article 2(2).	UN Model Article 2(2) : "capital" and "total capital"; Treaty Article 2(2) includes "capital gains" and total capital gains". UN Model Article includes an additional phrase: as well as taxes on capital appreciation" which is not in Treaty Article 2(2).
Ghana	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Ghana. Treaty Article 2(3)(a)(ii) includes "Capital Gains" tax, for Ghana. Treaty Article 2(3)(b)(ii) includes Secondary Tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes, Treaty Article 2(3) states the taxes that the convention applies to for South Africa and Ghana. Treaty Article 2(3)(a)(ii) includes "Capital Gains" tax, for Ghana. Treaty Article 2(3)(b)(ii) includes Secondary Tax on companies (SA).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	No Deviations.	UN Model Article 2(4) last phrase states "significant changes made to their tax law"; whereas Treaty Article 2(4) states: "significant changes that have been made in their taxation laws".
Ghana	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Ghana" means the territory of the Republic of Ghana; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Ghana and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Ghana" means the territory of the Republic of Ghana; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Ghana and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Ghana	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(j)	Definition of "Person": corresponding Treaty Article 3(1)(j) includes an additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Corresponding Treaty Article 3(1)(j) includes an additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Ghana	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(f)	OECD Model Article 3(1)(c) and Treaty Article 3(1)(f) states: "the term "enterprise" applies to the carrying on of any business". No Deviations.	Treaty Article 3(1)(f) states: "the term "enterprise" applies to the carrying on of any business"; this paragraph is not in UN Model Article 3(1).
Ghana	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(h)	The OECD Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(h) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	UN Article 3(1)(d) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(h) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Ghana	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(i)	OECD Model Article 3(1)(g)(i) "National" includes the term "citizenship"; which is not included in Treaty Article 3(1)(i)(i). OECD Model Article 3(1)(g)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(i)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(i)(ii) omits the term "partnership".
Ghana	General definitions	General definitions	Article 3(1)(h)	No Treaty Reference	OECD Model Article 3(1)(h) defines the term "business". This definition is not in the Treaty Article 3(1).	UN Model Article 3(1) and Treaty Article 3(1) do not define the term "business".
Ghana	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Ghana	Resident	Resident	Article 4(1)	Article 4(1)	OECD Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) states: "income or capital gains from sources in that State".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) states: "income or capital gains from sources in that State".
Ghana	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".	UN Article 4(2)(a) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(2)(a) states : "deemed to be a resident solely".
Ghana	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).
Ghana	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".	UN Article 4(2)(c) contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".
Ghana	Resident	Resident	Article 4(3)	Article 4(3)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".	UN Model Article 4(3) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".
Ghana	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Ghana	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	OECD Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas OECD Model article 5(2)(f) refers only to "extraction of natural resources".	UN Model Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas UN Model article 5(2)(f) refers only to "extraction of natural resources".
Ghana	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months"; corresponding Treaty Article 5(3)(a) states: "The term "permanent establishment likewise encompasses a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) - Treaty Article 5(3)(a) - No Deviations
Ghana	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(3)(b) the phrase "but only if activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods aggregating more than six months within any twelve-month period". No equivalent Treaty Article.
Ghana	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
Ghana	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5) initial paragraph and paragraph 5(a) are equivalent to Treaty Article 5. UN Model Article 5(5)(b) is an additional paragraph which states "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". Not in treaty.
Ghana	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No Article in OECD Model or Treaty	UN Model Article 5(6), not in Treaty, states: "notwithstanding the preceding provisions of this article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(6), which states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Ghana	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(7) No Deviations.
Ghana	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	UN Article 6(1) -Treaty Article 6(1) No Deviations.
Ghana	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	OECD 6(2) also excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.	UN Model Article 6(2) excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.
Ghana	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Article 6(3) - Treaty Article 6(3) No Deviations.
Ghana	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	Treaty Article 6(4) includes an additional phrase: "and to income from immovable property used for the performance of independent personal services". This is not in OECD Model Article 6(4).	UN Article 6(4) Treaty Article 6(4) No Deviations
Ghana	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1)(a) and 7(1)(a) correspond to Treaty Article 7(1). The UN Model 7(1) has additional paragraphs: " (b) in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; these are not in the Treaty Article 7.
Ghana	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations
Ghana	Business profits	Business profits	Article 7(3)	Article 7(3)	No Deviations.	UN Article 7(3) additional paragraph: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are also additional limitations regarding payments to head office.
Ghana	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Ghana	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Ghana	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Ghana	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Ghana	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
Ghana	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Ghana	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Ghana	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) defines profits for international traffic: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic; and (b) profits derived from the use or rental of containers and related equipment; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent OECD Model article.	Treaty Article 8(2) defines profits for international traffic: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic; and (b) profits derived from the use or rental of containers and related equipment; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent UN Model article.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Corresponding Treaty Article 8(3) No Deviations.	UN Model Article 8(4) - Treaty Article 8(3) No Deviations.
Ghana	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Ghana	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Ghana	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".
Ghana	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Ghana	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model Article 10(2): if the beneficial owner is a resident of the other Contracting state then the tax charged shall not exceed (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends"; Treaty Article 10(2)(a) also limits the tax to 5 per cent, but the shareholding minimum is only 10 per cent. Treaty Article 10(2)(b) corresponds to OECD Article 10(2)(b).	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends". Treaty Article 10(2)(a) also states: "at least 10 per cent of the capital", but "taxation shall not exceed 5 per cent". UN Model Article 10(2)(b) does not specify the percentage "in all other cases"; the Treaty Article states "15 per cent in all other cases".
Ghana	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights". Treaty Article 10(3) includes an additional phrase: "and also includes any other item which, under the laws of the Contracting State of which the company is a resident, is treated as a dividend or distribution of a company". This is not in OECD Article 10(3).	UN Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights". Treaty Article 10(3) includes an additional phrase: "and also includes any other item which, under the laws of the Contracting State of which the company is a resident, is treated as a dividend or distribution of a company". This is not in UN Article 10(3).
Ghana	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in OECD Model Article 10(4); and Treaty Article 10(4) refers to: "such permanent establishment or fixed base"; whereas OECD Model Article 10(4) refers only to: "permanent establishment".	UN Model Article 10(4) - Treaty Article 10(4) - No Deviations.
Ghana	Dividends	Dividends	Article 10(5)	Article 10(5)	Treat Article 10(5) includes "permanent establishment or fixed base"; whereas OECD Model Article 10(5) only refers to "permanent establishment".	UN Model Article 10(5) - Treaty Article 10(5) - No Deviations.
Ghana	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Ghana	Interest	Interest	Article 11(2)	Article 11(2)	OECD Article states: "10 per cent of the gross amount of the interest"; whereas Treaty Article 11(2) states: " (a) 5 per cent of the gross amount of the interest, if the interest is derived by a bank which is a resident of the other Contracting State; (b) 10 per cent of the gross amount of the interest in all other cases".	UN Model Article 11(2) does not specify the % of taxation, Treaty Article limits tax to 10%. Treaty Article 11(2) states: " (a) 5 per cent of the gross amount of the interest, if the interest is derived by a bank which is a resident of the other Contracting State; (b) 10 per cent of the gross amount of the interest in all other cases".
Ghana	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Bank of Ghana, the South African Reserve Bank or any wholly owned institution of that Government or subdivision or authority".	No UN Model reference; Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Bank of Ghana, the South African Reserve Bank or any wholly owned institution of that Government or subdivision or authority".
Ghana	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) -Treaty Article 11(4) - No Deviations.
Ghana	Interest	Interest	Article 11(4)	Article 11(5)	Treaty Article 11(5) includes a phrase, which is not in OECD Model Article 11(4), which states: "or performs in that other State independent personal services from a fixed base situated therein". Treaty Article 11(5) refers to "permanent establishment or fixed base", whereas OECD Model Article 11(4) only refers to "permanent establishment", and not "fixed base".	UN Model Article 11(4) includes additional phrase, which is not in Treaty Article 11(5), which state: "or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply".
Ghana	Interest	Interest	Article 11(5)	Article 11(6)	Treaty Article 11(6) includes: "permanent establishment or fixed base"; whereas OECD Model Article 11(5) only refers to: "permanent establishment".	UN Model Article 11(5) - Treaty Article 11(6) - No Deviations
Ghana	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.
Ghana	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State". The Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations
Ghana	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: " however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) corresponds to Treaty Article 12(2). The UN Model does not specify the tax %, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 10 per cent of the gross amount of the royalties".
Ghana	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes "the right to use, industrial, commercial or scientific equipment"; whereas Treaty Article 12(3) does not include this in the definition of Royalties.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Royalties	Royalties	Article 12(3)	Article 12(4)	Treaty Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in OECD Model Article 12(3). Treaty Article 12(4) refers to "permanent establishment or fixed base"; whereas OECD Model Article 12(3) only refers to "permanent establishment".	UN Model Article 12(4) also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12(4) does not include paragraph (b).
Ghana	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated". There is no equivalent OECD Article.	UN Model Article 12(5) includes the phrase: "has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred"; whereas the phrase in Treaty Article 12(5) states: "has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected".
Ghana	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Ghana	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Ghana	Capital gains	Capital gains	Article 13(2)	Article 13(2)	Treaty Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not OECD Model Article 13(2). The Treaty Article 13(2) uses the term "permanent establishment or fixed base" whereas the OECD Model 13(2) only includes: "permanent establishment".	UN Model Article 13(2) - Treaty Article 13(2) - No Deviations.
Ghana	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the phrase; boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State".	UN Model Article 13(3)includes the term; "boats engaged in inland waterways "which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains from the alienation of ships or aircraft operated in international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State".
Ghana	Capital gains	Capital gains	Article 13(4)	Article 13(4)	OECD Article states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; whereas the Treaty Article 13(4) only refers to: "gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State"; Treaty does not contain the phrase: "50 per cent of their value".	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; (2) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
Ghana	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No Treaty reference	UN Model Article 13(5) Is an additional paragraph, not in the Treaty, which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State".
Ghana	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.
Ghana	Independent personal services	Independent personal services	No OECD Reference	Article 14(1)	Article 14 Deleted in OECD Model, Treaty does include article for "Independent personal services".	UN Article 14(1)(a) is equivalent to Treaty Article first and second sentence, No Deviations. UN Article 14(b) contains the phrase: "only so much of the income as is derived from his activities performed in that other State may be taxed in that other State"; whereas Treaty Article 14(1) equivalent phrase states: "a fixed base shall be deemed to be regularly available in that other State to the individual and the income that is derived from the individual's activities that are performed in that other Contracting State shall be attributable to that fixed base".
Ghana	Independent personal services	Independent personal services	No OECD Reference	Article 14(2)	Article 14 Deleted in OECD Model	UN Article 14(2) - Treaty Article 14(2) - No Deviations.
Ghana	Dependent personal services	Income from employment	Article 15(1)	Article 15(1)	OECD Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 15(1) references Articles 16, 18, 19 and 21.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 15(1) references Articles 16, 18, 19 and 21.
Ghana	Dependent personal services	Income from employment	Article 15(2)	Article 15(2)	Corresponding Treaty Article 15(2)(c) includes "permanent establishment or a fixed base"; whereas the OECD Model Article 15(2)(c) only refers to "permanent establishment".	UN Model Article 15(2) - Treaty Article 15(2) - No Deviations.
Ghana	Dependent personal services	Income from employment	Article 15(3)	Article 15(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Model Article 15(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and UN Model Article 15(3) states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Directors' fees	Directors' fees	Article 16	Article 16	Corresponding Treaty Article 16 - No Deviations.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article 16.
Ghana	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	OECD Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7,14 and 15.	UN Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7,14 and 15.
Ghana	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	OECD Model Article refers to the provisions of Articles 7 and 14; whereas the Treaty Article 17(2) refers to the provisions of Articles 7, 14 and 15.	UN Model Article 17(2) - 17(2) No Deviations
Ghana	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 17(3)	Treaty Article 17(3) is an additional paragraph: Notwithstanding the provisions of paragraphs 1 and 2 of this Article income derived by a resident of a Contracting State from personal activities as an entertainer or as a sportsperson shall be taxable only in that State if the activities are exercised in the other Contracting State within the framework of a cultural or sports exchange programme approved by both Contracting States. This is not in OECD Model Article 17.	Treaty Article 17(3) is an additional paragraph: Notwithstanding the provisions of paragraphs 1 and 2 of this Article income derived by a resident of a Contracting State from personal activities as an entertainer or as a sportsperson shall be taxable only in that State if the activities are exercised in the other Contracting State within the framework of a cultural or sports exchange programme approved by both Contracting States. This is not in UN Model Article 17.
Ghana	Pensions and annuities	Pensions	Article 18	Article 18(1)	The OECD Model states: " pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 18(1) states: "pensions and other similar remuneration in consideration of past employment, and annuities paid to a resident of the other Contracting State, may be taxed in the first-mentioned State".	UN Model Article 18 (Alt.A) states: " pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State; Treaty Article 18(1) states: "pensions and other similar remuneration in consideration of past employment, and annuities paid to a resident of the other Contracting State, may be taxed in the first-mentioned State".
Ghana	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) is an additional paragraph" Notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the Social Security System of a Contracting State shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2) - Treaty Article 18(2) - No Deviations.
Ghana	Pensions and annuities	Pensions	No OECD Reference	Article 18(3)	Treaty Article 18(3) defines Annuities: " annuity" means "a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	Treaty Article 18(3) defines Annuities: " annuity" means "a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". UN Model Article 18 does not include this paragraph.
Ghana	Government service	Government service	Article 19(1)	Article 19(1)	No Deviations.	UN Model Article 19(1) -Treaty Article 19(1) - No Deviations.
Ghana	Government service	Government service	Article 19(2)	Article 19(2)	Corresponding Treaty Article 19(2) - No Deviations.	UN Model Article 19(2) -Treaty Article 19(2) - No Deviations.
Ghana	Government service	Government service	Article 19(3)	Article 19(3)	No Deviations.	UN Model Article 19(3) -Treaty Article 19(3) - No Deviations.
Ghana	Management Fees	N/A	No OECD Reference	Article 20	Treaty Article 20 (Management Fees) is an additional article that is not in the OECD Model. The Treaty defines "management fees" and the method of taxation especially where the fees are paid by a permanent establishment or fixed base. (Refer Treaty Article 20 for full detail).	Treaty Article 20 (Management Fees) is an additional article that is not in the UN Model. The Treaty defines "management fees" and the method of taxation especially where the fees are paid by a permanent establishment or fixed base. (Refer Treaty Article 20 for full detail).
Ghana	Professors and Students	Students	Article 20	Article 21(1)	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21(1) states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21(1) states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Ghana	Professors and Students	Students	No OECD Reference	Article 21(2) - 21(4)	Treaty Article 21 has additional paragraphs: Article 21(2) refers to grants and scholarships; Article 21(3) refers to teaching in another Contracting State; Article 21(4) places the limitation: "The provisions of paragraph 3 of this Article shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons".	Treaty Article 21 has additional paragraphs: Article 21(2) refers to grants and scholarships; Article 21(3) refers to teaching in another Contracting State; Article 21(4) places the limitation: "The provisions of paragraph 3 of this Article shall not apply to income from research if such research is undertaken not in the public interest but primarily for the private benefit of a specific person or persons".
Ghana	Other income	Other income	Article 21(1)	Article 22(1)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 21(1) -Treaty Article 22(1) - No Deviations.
Ghana	Other income	Other income	Article 21(2)	Article 22(2)	Treaty Model Article 22(2) includes an additional paragraph: "or performs in that other State independent personal services from a fixed base situated therein" which is not included in OECD Model 21(2). Treaty Article refers to "permanent establishment or fixed base" whereas the OECD Model 21(2) only refers to "permanent establishment".	UN Model Article 21(2) -Treaty Article 22(2) - No Deviations
Ghana	Other income	Other income	No OECD Reference	Article 22(3)	Treaty Article 22(3) is an additional paragraph, not in OECD Model, and states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) -Treaty Article 22(3) - No Deviations
Ghana	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Limitation of Benefits	N/A	No OECD Reference	Article 23	Treaty Model Article 23 (Limitation of Benefits), an additional article not in the OECD Model, states: "Where under any provision of this Convention any income is relieved from tax in a Contracting State and, under the law in force in the other Contracting State, a person, in respect of that income, is subject to tax by reference to the amount thereof which is remitted to or received in that other Contracting State and not by reference to the full amount thereof, then the relief to be allowed under the Convention in the first-mentioned Contracting State shall apply only to so much of the income as is taxed in the other Contracting State.	Treaty Model Article 23 (Limitation of Benefits), an additional article not in the OECD Model, states: "Where under any provision of this Convention any income is relieved from tax in a Contracting State and, under the law in force in the other Contracting State, a person, in respect of that income, is subject to tax by reference to the amount thereof which is remitted to or received in that other Contracting State and not by reference to the full amount thereof, then the relief to be allowed under the Convention in the first-mentioned Contracting State shall apply only to so much of the income as is taxed in the other Contracting State.
Ghana	Elimination of double taxation	23B Credit method	Article 23(1)	Article 24(1)	OECD Model 23B is the Credit method, and the Treaty provides for the Credit Method. Notable items in Treaty Article 24(a) for Ghana paragraph (I) provides for a deduction against "profits, income or chargeable gains"; (ii) credit on dividends payable by SA Resident Company to Ghana Resident Company and shareholding by the Ghana resident is at least 10% of capital; (iii) tax credit shall not exceed the proportion of the Ghana tax which such profits, income or chargeable gains bear to the entire profits, income or chargeable gains as the case may be chargeable to Ghana tax". 24(b) for South Africa - there is a deduction permitted, but the Treaty states: such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income.	UN Model 23B is the Credit method, and the Treaty provides for the Credit Method. Notable items in Treaty Article 24(a) for Ghana paragraph (i) provides for a deduction against "profits, income or chargeable gains"; (ii) credit on dividends payable by SA Resident Company to Ghana Resident Company and shareholding by the Ghana resident is at least 10% of capital; (iii) tax credit shall not exceed the proportion of the Ghana tax which such profits, income or chargeable gains bear to the entire profits, income or chargeable gains as the case may be chargeable to Ghana tax". 24(b) for South Africa - there is a deduction permitted, but the Treaty states: such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income.
Ghana	Elimination of double taxation	23B Credit method	Article 23(2)	No Treaty Reference	OECD Model Article 23(2) is an additional paragraph not in the Treaty Article 24, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23(2) is an additional paragraph not in the Treaty Article 24, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
Ghana	Non-discrimination	Non-discrimination	Article 24(1)	Article 25(1)	Corresponding Treaty Article 25(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 25(1) - No Deviations.
Ghana	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty Article 25.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 25 does not include this paragraph.
Ghana	Non-discrimination	Non-discrimination	Article 24(3)	Article 25(2)	Corresponding Treaty Article 25(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 25(2) - No Deviations.
Ghana	Non-discrimination	Non-discrimination	Article 24(4)	Article 25(3)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State"
Ghana	Non-discrimination	Non-discrimination	Article 24(5)	Article 25(4)	Corresponding Treaty Article 25(4) - No Deviations.	UN Model Article 24(5) -Treaty Article 25(4) - No Deviations.
Ghana	Non-discrimination	Non-discrimination	No OECD Reference	Article 25(5)	Treaty Article 25(5) is a paragraph not in the OECD Model Article 24 and states: "Nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in Ghana, a tax at a rate not exceeding five per cent on the amount of the profits of the permanent establishment, after deduction of the corporation tax relating to such profits: and (b) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 25(5) is a paragraph not in the UN Model Article 24 and states: "Nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in Ghana, a tax at a rate not exceeding five per cent on the amount of the profits of the permanent establishment, after deduction of the corporation tax relating to such profits: and (b) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Ghana	Non-discrimination	Non-discrimination	Article 24(6)	Article 25(6)	Corresponding Treaty Article 25(6) - No Deviations.	UN Model Article 24(6) -Treaty Article 25(6) - No Deviations.
Ghana	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 26(1)	OECD Article references paragraph 1 of Article 24 whereas Treaty Article 26(1) references paragraph 1 of Article 25.	UN Model Article 25(1) references paragraph 1 of Article 24 whereas Treaty Article 26(1) references paragraph 1 of Article 25.
Ghana	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 26(2)	Corresponding Treaty Article 26(2) - No Deviations.	UN Model Article 25(2) -Treaty Article 26(2) - No Deviations.
Ghana	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 26(3)	Corresponding Treaty Article 26(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 26(3) - No Deviations.
Ghana	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 26(4)	OECD Article includes an additional phrase; "including through a joint commission consisting of themselves or their representatives". This is not Corresponding Treaty Article 26(4).	UN Model Article 25(4) includes an additional phrase; "including through a joint commission consisting of themselves or their representatives". This is not Corresponding Treaty Article 26(4). UN Model Article 25(4) also includes an additional sentence, not in Treaty Article 26(4), which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Ghana	Exchange of information	Exchange of information	Article 26(1)	Article 27(1)	Corresponding Treaty Article 27(1) - No Deviations.	UN Model Article 26(1) includes the phrase" not restricted by article 1"; whereas Treaty Article 27(1) phrase reads: " not restricted by Articles 1 and 2". UN Model Article 26(1) includes the phrase: "in particular for the prevention of fraud or evasion of such taxes" and the phrase: "however, if the information is originally regarded as secret in the transmitting State"; both phrases are not in the Treaty. UN Model Article 26(1) additional sentence: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance". This is not in Treaty Article 27(1).
Ghana	Exchange of information	Exchange of information	Article 26(2)	Article 27(2)	Corresponding Treaty Article 27(2) - No Deviations.	UN Model Article 26(2) -Treaty Article 27(2) - No Deviations.
Ghana	Assistance in recovery	Assistance in the collection of taxes	Article 27	Article 28	OCED Article "Assistance in Collection of Taxes" - corresponding Treaty Article 28 "Assistance in Recovery". The treaty as different provisions for such assistance - refer Treaty Article 28 for detail.	No UN Model equivalent for Treaty Article 28 "Assistance in Recovery", refer Treaty Article 28 for detail.
Ghana	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 29	Treaty Article 29 - No Deviations .	UN Model Article 27 -Treaty Article 29 - No Deviations.
Ghana	N/A	Territorial extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Ghana	Entry into force	Entry into force	Article 30	Article 30	Treaty Article 30 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 30. The Treaty has specific rules for the "Entry into Force".
Ghana	Termination	Termination	Article 31	Article 31	Treaty Article 31 has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 31. The treaty has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Kenya	Entry into force: 19 June 2015 Conclusion date: 26 Nov. 2010				OECD Model 2010	UN Model 2001
Kenya	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Kenya	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income imposed".	UN Model Article 2(1) applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income imposed".
Kenya	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". OECD Model Article (2/2) includes an additional phrase: "as well as taxes on capital appreciation", which is not in Treaty Article 2(2).	UN Model Article 2(2) applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". UN Model Article (2/2) includes an additional phrase: "as well as taxes on capital appreciation", which is not in Treaty Article 2(2).
Kenya	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes, Treaty Article 3 states the taxes that the convention applies to for South Africa and Kenya; and lists types of taxes. Other than "income" taxes; Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes, Treaty Article 3 states the taxes that the convention applies to for South Africa and Kenya; and lists types of taxes. Other than "income" taxes; Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).
Kenya	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Model - last phrase: "made in their taxation laws"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".	UN Model Article 2(4) last phrase states " made to their tax law"; whereas Treaty Article 2(4) states: " made in their taxation laws".
Kenya	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Kenya" means all territory of Kenya; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Kenya and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Kenya" means all territory of Kenya; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Kenya and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Kenya	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(j)	The term "Person" - corresponding Treaty Article 3(1)(j) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	The term "Person" - corresponding Treaty Article 3(1)(j) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Kenya	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(f)	OECD Model Article 3(1)(c) corresponds to Treaty Article 3(1)(f) - defining the term "Enterprise" - No deviations.	UN Model Article 3(1) does not contain definition for "Enterprise; whereas Treaty Article 3(1)(f) defines "Enterprise": "applies to the carrying on of any business".
Kenya	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(h)	The OECD Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(h) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	UN Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(h) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Kenya	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(i)	OECD Model Article 3(1)(g)(i) "National" includes the term "citizenship"; which is not included in Treaty Article 3(1)(i)(i). OECD Model Article 3(1)(g)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(i)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(i)(ii) omits the term "partnership".
Kenya	General definitions	General definitions	Article 3(1)(h)	No Treaty Reference	OECD Model Article 3(1)(h) defines the term "business". This definition is not in the Treaty Article 3(1).	UN Model Article 3(1) and Treaty Article 3(1) do not define the term "business".
Kenya	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Resident	Resident	Article 4(1)	Article 4(1)	Treaty Article 4(1) contains the phrase "place of incorporation" which is not in OECD Model Article 4(1). OECD Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) states: "income from sources therein".	UN Model Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) states: "income from sources therein".
Kenya	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	No Deviations.	UN Model Article 4(2)(a) - Treaty Article 4(2)(a) No Deviations.
Kenya	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) phrase states: "centre of vital interests cannot be determined; whereas Treaty Article 4(b) phrase states: "in which the centre of vital interests is situated cannot be determined".	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined"; whereas Treaty Article 4(b) begins with "the State in which the centre of vital interests is situated cannot be determined". Additional phrase : is situated".
Kenya	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	No Deviations.	UN Article 4(2)(c) - Treaty Article 4(2)(c) - No Deviations.
Kenya	Resident	Resident	Article 4(3)	Article 4(3)	No Deviations.	UN Article 4(3) - Treaty Article 4(3) - No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	OECD Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas OECD Model article 5(2)(f) refers only to "extraction of natural resources".	UN Model Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas UN Model article 5(2)(f) refers only to "extraction of natural resources".
Kenya	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months"; corresponding Treaty Article 5(3) states: "The term "permanent establishment likewise encompasses (a) a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) states "also encompasses a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only if such site, project or activities last more than six months"; whereas corresponding Treaty Article 5(3)(a) states: "likewise encompasses a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".
Kenya	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: " the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only if activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) the phrase "but only if activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods aggregating more than six months within any twelve-month period"; Treaty Article 5(3)(b) phrase: "within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned".
Kenya	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	Treaty Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas OECD Model Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods". Paragraphs (c)-(f) - No Deviations	UN Model Article 5(4)(a) and (b) - Treaty Articles 5(4)(a) and (b) both only refer to "storage or display", No Deviations. Paragraphs (c)-(f) - No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	Treaty Article 5(5) initial paragraph and paragraph 5(a) are equivalent to OECD Model Article 5. Treaty Article 5(5)(b) is an additional paragraph which states "has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". This is not in the OECD Model.	UN Model Article 5(5) - Treaty Article 5(5) No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(6)	Treaty Article 5(6) is an additional paragraph, not in the OECD Model, which states: "Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".	UN Model Article 5(6) - Treaty Article 5(6) - No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(7)	OECD Model Article 5(6) begins with: "An enterprise shall not be deemed to have a permanent establishment in a Contracting State"; whereas corresponding Treaty Article 5(7) begins with: "An enterprise of a Contracting State shall not be deemed to have a permanent establishment in the other Contracting State". Treaty Article 5(7) has an additional sentence: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, such agent will not be considered an agent of an independent status within the meaning of this paragraph".	UN Model Article 5(7) - Treaty Article 5(7) - No Deviations.
Kenya	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Kenya	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3) -Treaty Article 6(1)-6(3) No Deviations.
Kenya	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	Treaty Article 6(4) includes an additional phrase: "and to income from immovable property used for the performance of independent personal services". This is not in OECD Model Article 6(4).	UN Article 6(4) Treaty Article 6(4) No Deviations.
Kenya	Business profits	Business profits	Article 7(1)	Article 7(1)	OECD Article 7(1) second sentence states: "If the enterprise carries on business as aforesaid, the profits that are attributable to the permanent establishment in accordance with the provisions of paragraph 2 may be taxed in that other State"; whereas Treaty Article 7(1) states: If the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to: (a) that permanent establishment; (b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". Treaty Article 7(1) also has an additional sentence: "However, the profits derived from the sales or activities described in subparagraphs (b) and (c) shall not be taxable in the other Contracting State if the enterprise demonstrates that such sales or activities have been carried out for reasons other than obtaining a benefit under this Agreement".	Treaty Article 7(1), has an additional sentence not in UN Article 7(1), which states: "However, the profits derived from the sales or activities described in subparagraphs (b) and (c) shall not be taxable in the other Contracting State if the enterprise demonstrates that such sales or activities have been carried out for reasons other than obtaining a benefit under this Agreement".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Business profits	Business profits	Article 7(2)	Article 7(2)	OECD Model Article states: "for the purposes of this Article and Article [23A] [23B], the profits that are attributable in each Contracting State to the permanent establishment referred to in paragraph 1"; whereas Treaty Article 7(2) states: "subject to the provisions of paragraph 3, where an enterprise of a Contracting State carries on business in the other Contracting State through a permanent establishment situated therein". OECD Model Article contains the phrase: "it were a separate and independent enterprise"; whereas Treaty Article 7(2) states: "it were a distinct and separate enterprise".	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Kenya	Business profits	Business profits	Deleted from 2010 onwards	Article 7(3)	Treaty Article 7(3) is not in the OECD Model Article 7; pertains to deductions permissible which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere"; The Treaty Article further details what deductions are permissible, particularly payments made to head office.	UN Article 7(3) - Treaty Article 7(3) - No Deviations.
Kenya	Business profits	Business profits	Article 7(3)	No Treaty Reference	OECD Article 7(3) states: "where, in accordance with paragraph 2, a Contracting State adjusts the profits that are attributable to a permanent establishment of an enterprise of one of the Contracting States and taxes accordingly profits of the enterprise that have been charged to tax in the other State, the other State shall, to the extent necessary to eliminate double taxation on these profits, make an appropriate adjustment to the amount of the tax charged on those profits. In determining such adjustment, the competent authorities of the Contracting States shall if necessary consult each other". This is not in Treaty Article 7.	No UN or Treaty reference.
Kenya	Business profits	Business profits	Deleted from 2010 onwards	Article 7(4)	Treaty Article 7(4) states: In so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article"	UN Article 7(4) - Treaty Article 7(4) No Deviations
Kenya	Business profits	Business profits	No OECD Reference (Article 7(5) deleted from 2010 onwards)	Article 7(5)	Treaty Article 7(5) is an additional paragraph, not in OECD Article 7, which states: "No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	Treaty Article 7(5) is an addition, not in UN Article 7, which states: "No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise". However, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Kenya	Business profits	Business profits	No OECD Reference (Article 7(6) deleted from 2010 onwards)	Article 7(6)	Treaty Article 7(6) is an additional paragraph, which is not in the OECD Model, and it states: "For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary".	UN Article 7(5) - Treaty Article 7(6) No Deviations
Kenya	Business profits	Business profits	Article 7(4)	Article 7(7)	Corresponding Treaty Article 7(7) No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states: "from the operation of aircraft in international traffic shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated" Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states: "from the operation of aircraft in international traffic shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated. "Treaty does not refer to "place of effective management".
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "Profits of an enterprise of a Contracting State from the operation of ships in international traffic may be taxed in that State. However, such profits derived from sources within the other Contracting State may also be taxed in that other State provided that the tax so charged in that other State shall be reduced by 50 per cent". This is not in OECD Model.	Treaty Article 8(2) is an additional paragraph which states: "Profits of an enterprise of a Contracting State from the operation of ships in international traffic may be taxed in that State. However, such profits derived from sources within the other Contracting State may also be taxed in that other State provided that the tax so charged in that other State shall be reduced by 50 per cent". This is not in UN Model.
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) defines profits for international traffic: "For the purposes of this Article, "profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraphs 1 and 2 apply". No equivalent OECD Model article.	Treaty Article 8(3) defines profits for international traffic: "For the purposes of this Article, "profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraphs 1 and 2 apply". No equivalent UN Model article.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(4)	Treaty Article 8(4) is an additional paragraph, not in OECD Model, which states: The provisions of paragraphs 1 and 2 shall apply to profits from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise".	Treaty Article 8(4) is an additional paragraph, not in UN Model, which states: The provisions of paragraphs 1 and 2 shall apply to profits from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise".
Kenya	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(5)	Corresponding Treaty Article 8(5) No Deviations.	UN Model Article 8(4) - Treaty Article 8(5) No Deviations.
Kenya	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Kenya	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	No Deviations.	UN Model Article 9(2) - Treaty Article 9(2) No Deviations.
Kenya	Associated enterprises	Associated enterprises	No OECD Reference	Article 9(3)	Treaty Article 9(3), an additional paragraph not in the OECD Model, states: "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".	UN Model Article 9(3) - Treaty Article 9(3) No Deviations.
Kenya	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Kenya	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model Article 10(2): if the beneficial owner is a resident of the other Contracting state then the tax charged shall not exceed (a) 5 percent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 percent of the capital of the company paying the dividends"; (b) 15 per cent of the gross amount of the dividends in all other cases"; whereas Treaty Article 10(2) states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the dividends". There is no mention of limit in "all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 percent of the capital of the company paying the dividends". Treaty Article 10(2)(a) states but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the dividends.
Kenya	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".	UN Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".
Kenya	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in OECD Model Article 10(4); and Treaty Article 10(4) refers to: "such permanent establishment or fixed base"; whereas OECD Model Article 10(4) refers only to: "permanent establishment".	UN Model Article 10(4) - Treaty Article 10(4) - No Deviations.
Kenya	Dividends	Dividends	Article 10(5)	Article 10(5)	Treat Article 10(5) includes "permanent establishment or fixed base"; whereas OECD Model Article 10(5) only refers to "permanent establishment".	UN Model Article 10(5) - Treaty Article 10(5) - No Deviations.
Kenya	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Kenya	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the % of taxation, Treaty Article limits tax to 10%. Treaty Article 11(2) states: " the tax so charged shall not exceed 10 per cent of the gross amount of the interest".
Kenya	Interest	Interest	Article 11(3)	Article 11(3)	Corresponding Treaty Article 11(3) - No Deviations.	UN Model Article 11(3) -Treaty Article 11(3) - No Deviations.
Kenya	Interest	Interest	Article 11(4)	Article 11(4)	Treaty Article 11(4) includes a phrase, which is not in OECD Model Article 11(4), which states: "or performs in that other State independent personal services from a fixed base situated therein". Treaty Article 11(4) refers to "permanent establishment or fixed base", whereas OECD Model Article 11(4) only refers to "permanent establishment", and not "fixed base".	UN Model Article 11(4) includes additional phrase, which is not in Treaty Article 11(4), which states: "or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply".
Kenya	Interest	Interest	Article 11(5)	Article 11(5)	Treaty Article 11(5) includes: "permanent establishment or fixed base"; whereas OECD Model Article 11(5) only refers to: "permanent establishment".	UN Model Article 11(5) - Treaty Article 11(5) - No Deviations.
Kenya	Interest	Interest	Article 11(6)	Article 11(6)	Treaty Article 11(6) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(6) - No Deviations.
Kenya	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State". The Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations.
Kenya	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: " however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) does not specify the tax %, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 10 per cent of the gross amount of the royalties".
Kenya	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes "the right to use, industrial, commercial or scientific equipment"; whereas Treaty Article 12(3) does not include this in the definition of Royalties.
Kenya	Royalties	Royalties	Article 12(3)	Article 12(4)	Treaty Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in OECD Model Article 12(3). Treaty Article 12(4) refers to "permanent establishment or fixed base"; whereas OECD Model Article 12(3) only refers to "permanent establishment". Treaty Article 12(4) references the provisions of Article 7 or Article 14, whereas OECD Model Article 12(3) only refers to the provisions of Article 7.	UN Model Article 12(4) also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12(4) does not include paragraph (b).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated". There is no equivalent OECD Article.	UN Model Article 12(5) includes the phrase: "has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred"; whereas the phrase in Treaty Article 12(5) states: "has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected".
Kenya	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Kenya	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Kenya	Capital gains	Capital gains	Article 13(2)	Article 13(2)	Treaty Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not OECD Model Article 13(2). The Treaty Article 13(2) uses the term "permanent establishment or fixed base" whereas the OECD Model 13(2) only includes: "permanent establishment".	UN Model Article 13(2) - Treaty Article 13(2) - No Deviations.
Kenya	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "shall be taxable only in that State".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways "which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "shall be taxable only in that State".
Kenya	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4)(2) states: "for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate"; whereas Treaty Article 13(4) only refers to: "resident".
Kenya	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No Treaty reference	UN Model Article 13(5) Is an additional paragraph, not in the Treaty, which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State".
Kenya	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.
Kenya	Independent personal services	Independent personal services	Article 14	Article 14	Deleted in OECD Model, but Treaty does have the Article 14 - Independent Personal Services.	UN Model Article 14 relates to "Independent Personal Services" and the Treaty also includes Article 14 - No Deviations.
Kenya	Independent personal services	Independent personal services	No OECD Reference	Article 14	Article 14 Deleted in OECD Model.	UN Article 14(1)(a) - states: "Income derived by a resident"; whereas Treaty Article 14(1)(a) states: "Income derived by an individual who is a resident". UN Article 14(b) No Deviations
Kenya	Independent personal services	Independent personal services	No OECD Reference	Article 14	Article 14 Deleted in OECD Model.	UN Article 14(2) - Treaty Article 14(2) - No Deviations.
Kenya	Dependent personal services	Income from employment	Article 15(1)	Article 15(1)	No Deviations.	UN Article 14(1) - Treaty Article 14(1) - No Deviations.
Kenya	Dependent personal services	Income from employment	Article 15(2)	Article 15(2)	Corresponding Treaty Article 15(2)(c) includes "permanent establishment or a fixed base"; whereas the OECD Model Article 15(2)(c) only refers to "permanent establishment".	UN Model Article 15(2) - Treaty Article 15(2) - No Deviations.
Kenya	Dependent personal services	Income from employment	Article 15(3)	Article 15(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "may be taxed in that State".	UN Model Article 15(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and UN Model Article 15(3) states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: " may be taxed in that State".
Kenya	Directors' fees	Directors' fees	Article 16	Article 16	Corresponding Treaty Article 16 - No Deviations.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article 16.
Kenya	Artistes and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	OECD Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, 14 and 15.	UN Article refers to the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, 14 and 15.
Kenya	Artistes and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	OECD Model Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 17(2) refers to the provisions of Articles 7, 14 and 15.	UN Model Article refers to the provisions of Articles 7 and 14; whereas the Treaty Article 17(2) refers to the provisions of Articles 7, 14 and 15.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Pensions and annuities	Pensions	Article 18	Article 18(1)	The OECD Model refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State." OECD Model includes the phrase: "in consideration with past employment", which is not in Treaty Article 18(1). Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt. A) refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in ; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Kenya	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) defines "Annuities", is an additional paragraph which states: "the term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".	Treaty Article 18(2) defines "Annuities", is an additional paragraph not in UN Model, which states: "the term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".
Kenya	Pensions and annuities	Pensions	No OECD Reference	Article 18(3)	Treaty Article 18(3) is an additional paragraph which states: "notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the Social Security System of a Contracting State shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2) - Treaty Article 18(3) - No Deviations
Kenya	Government service	Government service	Article 19(1)	Article 19(1)	No Deviations.	UN Model Article 19(1) -Treaty Article 19(1) - No Deviations.
Kenya	Government service	Government service	Article 19(2)	Article 19(2)	No Deviations.	UN Model Article 19(2) refers to "pension paid by, or out of funds created by Contracting State or a political subdivision or a local authority", whereas Treaty Article 19(2) refers to "pensions and other similar remuneration".
Kenya	Government service	Government service	Article 19(3)	Article 19(3)	No Deviations.	UN Model Article 19(3) -Treaty Article 19(3) - No Deviations.
Kenya	Professors, Teachers and Researchers	N/A	No OECD Reference	Article 20	Treaty Article 20 (Professors, Teachers and Researchers) is an additional article that is not in the OECD Model. The Treaty Article 20 states: "1. An individual who is or was immediately before visiting a Contracting State a resident of the other Contracting State, and who, at the invitation of any university, college, school or other similar educational institution which is recognised by the competent authority in the first-mentioned Contracting State, visits that first-mentioned Contracting State for a period not exceeding two years solely for the purpose of teaching or research or both at such educational institution shall be exempt from tax in the first-mentioned Contracting State on any remuneration for such teaching or research, provided that such remuneration is derived from outside the first-mentioned Contracting State. 2. The provisions of paragraph 1 shall not apply to income from research if such research is undertaken by the individual primarily for the private benefit of a specific person or persons".	Treaty Article 20 (Professors, Teachers and Researchers) is an additional article that is not in the UN Model. The Treaty Article 20 states: "1. An individual who is or was immediately before visiting a Contracting State a resident of the other Contracting State, and who, at the invitation of any university, college, school or other similar educational institution which is recognised by the competent authority in the first-mentioned Contracting State, visits that first-mentioned Contracting State for a period not exceeding two years solely for the purpose of teaching or research or both at such educational institution shall be exempt from tax in the first-mentioned Contracting State on any remuneration for such teaching or research, provided that such remuneration is derived from outside the first-mentioned Contracting State. 2. The provisions of paragraph 1 shall not apply to income from research if such research is undertaken by the individual primarily for the private benefit of a specific person or persons".
Kenya	Students	Students	Article 20	Article 21	OECD Article 20 includes "student or business apprentice"; whereas Treaty Article 21 includes: "student, business trainee or apprentice".	UN Model Article 20 - Treaty Article 21 - No Deviations.
Kenya	Other income	Other income	Article 21(1)	Article 22(1)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 21(1) -Treaty Article 22(1) - No Deviations.
Kenya	Other income	Other income	Article 21(2)	Article 22(2)	Treaty Model Article 22(2) includes an additional paragraph: "or performs in that other State independent personal services from a fixed base situated therein" which is not included in OECD Model 21(2). Treaty Article refers to "permanent establishment or fixed base" whereas the OECD Model 21(2) only refers to "permanent establishment". Treaty Model Article 22(2) also references the provisions of Articles 7 or 14; whereas the OECD Model 21(2) references the provisions of Articles 7.	UN Model Article 21(2) -Treaty Article 22(2) - No Deviations
Kenya	Other income	Other income	No OECD Reference	Article 22(3)	Treaty Article 22(3) is an additional paragraph, not in OECD Model, and states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) -Treaty Article 22(3) - No Deviations
Kenya	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Kenya	Elimination of double taxation	23B Credit method	Article 23(1)	Article 23(1)	OECD Model Article 23B is the Credit method. Treaty Article 23 has rules for Kenya and South Africa, both countries follow the Credit Method. The OECD Model Article refers to income and capital tax, whereas the Treaty only refers to income, there is no reference to capital.	UN Model Article 23B is the Credit method. Treaty Article 23 has rules for Kenya and South Africa, both countries follow the Credit Method. The UN Model Article refers to income and capital tax, whereas the Treaty only refers to income, there is no reference to capital.
Kenya	Elimination of double taxation	23B Credit method	Article 23(2)	No Treaty Reference	OECD Model Article 23(2) is an additional paragraph not in the Treaty Article 23, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23(2) is an additional paragraph not in the Treaty Article 24, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
Kenya	Non-discrimination	Non-discrimination	Article 24(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 24(1) - No Deviations.
Kenya	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty Article 24.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.
Kenya	Non-discrimination	Non-discrimination	Article 24(3)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 24(2) - No Deviations.
Kenya	Non-discrimination	Non-discrimination	Article 24(4)	Article 24(3)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article 24(3) which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State"	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 4(3) which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State"

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Kenya	Non-discrimination	Non-discrimination	No OECD Reference	Article 24(5)	Treaty Article 24(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Kenya, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 24(5) is an additional paragraph: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Kenya, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points". Not in UN Model.
Kenya	Non-discrimination	Non-discrimination	Article 24(5)	Article 24(4)	Corresponding Treaty Article 24(4) - No Deviations.	UN Model Article 24(5) -Treaty Article 24(4) - No Deviations.
Kenya	Non-discrimination	Non-discrimination	Article 24(6)	Article 24(6)	Corresponding Treaty Article 24(6) - No Deviations.	UN Model Article 24(6) -Treaty Article 25(6) - No Deviations.
Kenya	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)-25(3)	Article 25(1)-25(3)	No Deviations.	UN Model Article 25(1)-25(3) - Treaty Article 25(1)-25(3) - No Deviations.
Kenya	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 25(4)	Treaty Article 25(4). Has an additional paragraph: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure".	UN Model Article 25(4) - Treaty Article 25(4) - No Deviations
Kenya	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	Article 25(5)	OECD Article 25(5) is an additional paragraph not in the Treaty Article 25, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc.	There is no such paragraph in the UN Model Article 25 or Treaty Article 25.
Kenya	Exchange of information	Exchange of information	Article 26(1)	Article 26(1)	OECD Model Article states: "information as is foreseeably relevant for carrying out the provisions of this Convention" whereas Treaty Article 26(1) states: "information as may be necessary for carrying out the provisions of this Agreement. Treaty Article 26(1) includes the phrase: "particular for the prevention of fraud or evasion of such taxes"; which is not in the OECD Model Article.	UN Model states: "information as is necessary for carrying out the provisions of this Convention" whereas Treaty Article 26(1) states: "information as may be necessary for carrying out the provisions of this Agreement or to the administration or enforcement of the domestic laws concerning taxes of every kind and description imposed on behalf of the Contracting States". UN Model Article 26(1) includes the phrase "not restricted by article 1"; whereas Treaty Article 26(1) phrase reads: "not restricted by Articles 1 and 2". UN Model Article 26(1) additional sentence: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance". This is not in Treaty Article 26(1), but is in Treaty Article 26(2).
Kenya	Exchange of information	Exchange of information	Article 26(2)	Article 26(2)	No Deviations.	Treaty Article 26(2) corresponds UN Model Article 26(1) second paragraph.
Kenya	Exchange of information	Exchange of information	Article 26(3)	Article 26(3)	No Deviations.	UN Model Article 26(2) corresponds to Treaty Article 26(3).
Kenya	Exchange of information	Exchange of information	Article 26(4)	Article 26(4)	No Deviations.	Treaty Article 26(4) is not in UN Model.
Kenya	Exchange of information	Exchange of information	Article 26(5)	Article 26(5)	No Deviations.	Treaty Article 26(5) is not in UN Model.
Kenya	Assistance in the collection of taxes	Assistance in the collection of taxes	Article 27	Article 27	No Deviations.	No UN Model equivalent for Treaty Article 27 "Assistance in the Collections of Taxes", refer Treaty Article 27 for detail.
Kenya	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 28	No Deviations.	UN Model Article 27 -Treaty Article 28 - No Deviations.
Kenya	N/A	Territorial extension	Article 29	Article 29	OECD Article 29 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Kenya	Entry into force	Entry into force	Article 30	Article 30	Treaty Article 29 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 29. The Treaty has specific rules for the "Entry into Force".
Kenya	Termination	Termination	Article 31	Article 31	Treaty Article 30 has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 30. The treaty has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Lesotho	Entry into force: 27 May 2016 Conclusion date: 18 Sep. 2014				OECD Model 2014	UN Model 2011
Lesotho	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Lesotho	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".	UN Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Article refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. Furthermore, the OECD Article includes the phrase "as well as taxes on capital appreciation", whereas the Treaty does not include this phrase. OECD Article includes the phrase: "total amounts of wages or salaries paid by enterprises", which is not in the Treaty.	UN Model Article 2(2) refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. Furthermore, the UN Article includes the phrase "as well as taxes on capital appreciation", whereas the Treaty does not include this phrase. UN Model Article includes the phrase: "total amounts of wages or salaries paid by enterprises", which is not in the Treaty.
Lesotho	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Lesotho - all relating to income.	UN Model Article 2(3) is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Lesotho - all relating to income.
Lesotho	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	No Deviations.	UN Model Article 2(4) phrase "significant changes made to their tax law"; whereas the Treaty Article 2(4) phrase states: "significant changes that have been made in their taxation laws".
Lesotho	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Lesotho" means the sovereign Kingdom of Lesotho; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Lesotho and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Lesotho" means the sovereign Kingdom of Lesotho; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Lesotho and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Lesotho	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	The term "person" - corresponding Treaty Article 3(1)(k) adds the phrase: "that is treated as an entity for tax purposes".	The term "person" - corresponding Treaty Article 3(1)(k) adds the phrase: "that is treated as an entity for tax purposes".
Lesotho	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	No Deviations.	Treaty Article 3(1)(g) defines the term "enterprise applies to the carrying on of any business", whereas UN Model Article 3(1) does not have such a definition for "enterprise".
Lesotho	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	Corresponding Treaty Article 3(1)(d) - No Deviations.	Treaty Article 3(1)(d) defines "business" as: "includes the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Lesotho	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	OECD Article in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management". Treaty Article 3(1)(i) also includes: "rail or road transport vehicle" in the definition of "international traffic".	UN Article 3(1)(d) in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas corresponding Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management". Treaty Article 3(1)(i) also includes: "rail or road transport vehicle" in the definition of "international traffic".
Lesotho	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article 3(1)(g)(ii) includes the terms: "any legal person, partnership or association"; whereas Treaty Article 3(1)(j) omits the term "partnership".	Treaty Article 3(1)(j)(i) "national" includes "citizenship"; which is not included in UN Model Article 3(1)(f)(i). UN Model Article 3(1)(f)(ii) includes the terms: "any legal person, partnership or association"; whereas Treaty Article 3(1)(j) omits the term "partnership".
Lesotho	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Lesotho	Resident	Resident	Article 4(1)	Article 4(1)	OECD Treaty paragraph second sentence states "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Article 4(1) paragraph second sentence states "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein".
Lesotho	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations.	UN Model Article 4(2) - Treaty Article 4(2) No Deviations.
Lesotho	Resident	Resident	Article 4(3)	Article 4(3)	The OECD Model states: "person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". The Treaty article 4(3) states: "the competent authorities of the Contracting States shall by mutual agreement endeavour to determine the mode of application of the Agreement to the person. In the absence of such agreement by the competent authorities of the Contracting States, the person shall not be entitled to any relief or exemption from tax provided by the Agreement".	The UN Model Article 4(3) states: "Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". The Treaty article 4(3) for "person other than an individual" states: "Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to determine the mode of application of the Agreement to the person. In the absence of such agreement by the competent authorities of the Contracting States, the person shall not be entitled to any relief or exemption from tax provided by the Agreement".
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Article 5(1) No Deviations.
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	Paragraphs 5(2)(a) to 5(2)(e) of the OECD Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the OECD Model refers to the "place of extraction of natural resources"; whereas the Treaty paragraph 5(2)(f) includes: "place of extraction or exploitation of natural resources". The Treaty also has additional items included as permanent establishments: "(g) an installation or structure used for exploration for natural resources".	Paragraphs 5(2)(a) to 5(2)(e) of the UN Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the UN Model refers to the "place of extraction of natural resources"; whereas the Treaty paragraph 5(2)(f) includes: "place of extraction or exploitation of natural resources". The Treaty also has additional items included as permanent establishments: "(g) an installation or structure used for exploration for natural resources".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a) and 3(b)	OECD Model includes building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months", whereas the Treaty Article 5(3)(a) states that "the activity continues for more than six months". The Treaty also has additional items that are not in the OECD Model: 5(3)(b) "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the fiscal year concerned".	The UN Model Article 5(3)(a) and the Treaty are aligned, No Deviations (i.e. both six months); UN Model Article 5(3)(b): "periods aggregating more than 183 days in any 12-month period"; whereas Treaty Article 5(3)(b): "period or periods exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the fiscal year concerned".
Lesotho	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c) the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c) is not a paragraph in the UN Model.
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(b), an additional paragraph, states: "Has no authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise", not Treaty Article 5(5).
Lesotho	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6) is an additional paragraph, not in the Treaty which states: "notwithstanding the provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph". Not in the Treaty.
Lesotho	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	Corresponding UN Article 5(8) and Treaty Article 5(7) - No Deviations.
Lesotho	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	No Deviations.
Lesotho	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	Treaty Article 6(2) also excludes "rail or road transport vehicles" from "immoveable property"; whereas OECD Article 6(2) does not; however the Treaty does not exclude "boats" whereas OECD Article does exclude "boats".	Treaty Article 6(2) also excludes "rail or road transport vehicles" from "immoveable property"; whereas UN Article 6(2) does not; however the Treaty does not exclude "boats" whereas UN Article 6(2) does exclude "boats".
Lesotho	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	No Deviations.
Lesotho	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) includes an additional phrase "income from immovable property used for the performance of independent personal services".
Lesotho	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Model 7(1) has additional paragraphs: " (b) in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; these are not in the Treaty Article 7.
Lesotho	Business profits	Business profits	Article 7(2)	Article 7(2)	OECD Article 7(2) includes the phrases that are not in Treaty Article 7(2): refers to the purposes of "Article [23A] [23B]" ; and "the profits it might be expected to make, in particular in its dealings with other parts of the enterprise" and "taking into account the functions performed, assets used and risks assumed". OECD Article 7(2) states: "separate and independent enterprise"; whereas Treaty refers to "distinct and separate enterprise"	UN Model 7(2) and Treaty Model Article 7(2) - No Deviations.
Lesotho	Business profits	Business profits	Article 7(3) Article 7(4) prior 2010)	Article 7(3) Article 7(4) prior 2010)	OECD Article holds that the other state shall "to the extent necessary", "make an appropriate adjustment to the amount of tax charged" and "in determining such adjustment, the competent authorities of the Contracting States shall if necessary consult each other"; whereas Corresponding Treaty Article 7(4) states: "in so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".	Corresponding UN Article - 7(4) Treaty Article 7(4) - No Deviations.
Lesotho	Business profits	Business profits	No OECD Reference (Article 7(3) deleted from 2010 onwards)	Article 7(3)	Treaty Article 7(3) is not in the OECD Model Article 7; pertains to deductions permissible which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere"; The Treaty Article further details what deductions are permissible, particularly payments made to head office.	UN Article 7(3) and Treaty Article 7(3) - No Deviations

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Business profits	Business profits	Article 7(4)	Article 7(7)	Treaty Article 7(7) - No Deviations.	Corresponding UN Article 7(6) and Treaty Article 7(7) - No Deviations.
Lesotho	Business profits	Business profits	No OECD Reference <i>(Article 7(5) deleted from 2010 onwards)</i>	Article 7(5)	Tax Treaty Article 7(5) is an additional paragraph, which is not in the OECD Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	Tax Treaty Article 7(5) is an additional paragraph, which is not in the UN Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise". However, UN Model has a note which states: "(NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations)". This is not in Treaty Article 7.
Lesotho	Business profits	Business profits	No OECD Reference <i>(Article 7(6) deleted from 2010 onwards)</i>	Article 7(6)	Treaty Article 7(6) is an additional paragraph, which is not in the OECD Model, and it states: "For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary".	UN Article 7(5) and corresponding Treaty Article 7(6) - No Deviations.
Lesotho	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	OECD Model Article states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article states: "profits of an enterprise of a Contracting State from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall be taxable only in that State". Treaty does not refer to "place of effective management".	UN Model Article 8(1) states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article states: "profits of an enterprise of a Contracting State from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall be taxable only in that State". Treaty does not refer to "place of effective management".
Lesotho	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Lesotho	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) paragraph, not in OECD Model, states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles, (c) profits derived from the use or rental of containers".	Treaty Article 8(2) paragraph, not in UN Model Article 8, states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles, (c) profits derived from the use or rental of containers".
Lesotho	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Lesotho	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Treaty Article 8(3) - No Deviations.	UN Model Article 8(4) and corresponding Treaty Article 8(3) - No Deviations.
Lesotho	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	No Deviations.
Lesotho	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	No Deviations.	UN Model Article 9(2) - Treaty Article 9(2) No Deviations.
Lesotho	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model contains an additional paragraph 9(3) which states "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This paragraph is not in the Treaty.
Lesotho	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	No Deviations.
Lesotho	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model paragraph 10(2)(a) states that "the tax so charged shall not exceed 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; whereas the Treaty Article 10(2)(a) states that "10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 10 per cent of the capital of the company paying the dividends". Both Treaty and OECD paragraph (b) allow for 15 per cent in all other cases.	UN Model paragraph 10(2)(a) states that "the tax so charged shall not exceed _ per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 10 per cent of the capital of the company paying the dividends; whereas the Treaty Article 2(a) states that "10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 10 per cent of the capital of the company paying the dividends". The Treaty under paragraph (b) allows for 15 per cent in all other cases; whereas the UN Model 10(2)(b) does not specify the percentage for all other cases, but states that it is to be established through bilateral negotiations".
Lesotho	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which Treaty Article 10(3) does not.	UN Model Article 10(3) includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which Treaty Article 10(3) does not.
Lesotho	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) contains an additional phrase that is not in Treaty Article 10(4) , which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 10(4) also refers to a "permanent establishment or fixed base"; Treaty Article only includes: "permanent establishment". The UN Model also states that "in such case article 7 or Article 14 shall apply"; Treaty Article 10(4) only references Article 7.
Lesotho	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Article 10(5) contains the phrase: "permanent establishment or a fixed base"; whereas Treaty Article 10(5) only refers to: "permanent establishment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Dividends	Dividends	No OECD Reference	Article 10(6)	Treaty Article 10(6) is an additional paragraph which is not in the OECD Model, and it states: "Nothing in this Agreement shall be construed as preventing a Contracting State from imposing an income tax (referred to as a "branch profits tax") on the repatriated income of a company which is a resident of the other Contracting State in addition to the income tax imposed on the chargeable income of the company; provided that any branch profits tax so imposed shall not exceed 10 per cent of the amount of the repatriated income".	Treaty Article 10(6) is an additional paragraph which is not in the UN Model, and it states: "Nothing in this Agreement shall be construed as preventing a Contracting State from imposing an income tax (referred to as a "branch profits tax") on the repatriated income of a company which is a resident of the other Contracting State in addition to the income tax imposed on the chargeable income of the company; provided that any branch profits tax so imposed shall not exceed 10 per cent of the amount of the repatriated income".
Lesotho	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) -The Treaty Article 11(1) - No Deviations.
Lesotho	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model phrase states: "however, interest arising in a Contracting State may also be taxed in that State"; whereas Treaty Article 11(2) phrase "however, such interest may also be taxed in the Contracting State in which it arises". Both OECD and Treaty specify a tax limitation of 10% if the recipient is the beneficial owner (minor wording difference).	Treaty Article 11(2) limits the tax to 10%; whereas UN Model does not specify the taxation limit.
Lesotho	Interest	Interest	Article 11(3)	Article 11(3)	No Deviations.	UN Article 11(3) - Treaty Article 11(3) - No Deviations.
Lesotho	Interest	Interest	Article 11(4)	Article 11(4)	No Deviations.	UN Model Article 11(4) includes a phrase: "independent personal services from a fixed base situated therein,"; which is not in Treaty Article 11(4). UN Model Article 11(4) also contains additional paragraph which states: "(b) business activities referred to in (c) of paragraph 1 of Article 7"; which is not in Treaty Article 11(4). The UN Model states that: "in such cases the provisions of Article 7 or Article 14 apply"; whereas the Treaty only references "Article 7".
Lesotho	Interest	Interest	Article 11(5)	Article 11(5)	No Deviations.	UN Model 11(5)to "permanent establishment or fixed base"; whereas Treaty Article 11(5) refers to "permanent establishment".
Lesotho	Interest	Interest	Article 11(6)	Article 11(6)	No Deviations.	UN Article 11(6) - 11(6) - No Deviations.
Lesotho	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State" whereas Treaty Article 12(1) states: "may be taxed in that other State".	UN Article 12(1) - 12(1) - No Deviations.
Lesotho	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2), "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties". OECD Model Article 12 does not include this paragraph.	UN Article 12(2) does not specify the limit of the tax that may be charged, whereas the Treaty Article 12(2) limits the tax that may be charged to 10%.
Lesotho	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) - includes additional terms for the definition of Royalties: "and films, tapes or discs for radio or television broadcasting".	Corresponding UN Article 12(3) and Treaty Article 12(3) No deviations - both include the additional terms for the definition of Royalties: "and films, tapes or discs for radio or television broadcasting", UN Model Article 12(3) also includes: "or the right to use, industrial, commercial or scientific equipment"; which is not in the Treaty.
Lesotho	Royalties	Royalties	Article 12(3)	Article 12(4)	Treaty Article 12(4) - No Deviations .	UN Model Article 12(4) includes a phrase "or performs in that other State independent personal services from a fixed base situated therein". Treaty Article 12(4) Model Article refers to "permanent establishment"; whereas the UN Model Article 12(4) refers to "permanent establishment or fixed base". Treaty Article notes that: "in such cases the provisions of Article 7 apply"; whereas the UN Model refers to the provisions of Article 7 and Article 14.
Lesotho	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty has an additional paragraph 12(5) that is not in the OECD Model, which states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) refers to "permanent establishment or fixed base", Treaty Article 12(5) only refers to "permanent establishment".
Lesotho	Royalties	Royalties	Article 12(4)	Article 12(6)	Treaty Article 12(6) - No Deviations.	Corresponding UN Model Article 12(6) and Treaty Article 12(6) - No Deviations.
Lesotho	Technical Fees	N/A	No OECD Reference	Article 13	Treaty Article 13 is for "Technical Fees" which is not in the OECD Model.	Treaty Article 13 is for "Technical Fees" which is not in the UN Model.
Lesotho	Capital gains	Capital gains	Article 13(1)	Article 14(1)	Corresponding Treaty Article 14(1) - No Deviations.	UN Model Article 13(1) - Treaty Article 14(1) - No Deviations.
Lesotho	Capital gains	Capital gains	Article 13(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 13(2) contains additional phrase "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services". Also, the UN Model refers only to "permanent establishment or fixed base", whereas Treaty Article 14(2) refers to "permanent establishment".
Lesotho	Capital gains	Capital gains	Article 13(3)	Article 14(3)	OECD Model refers to "ships or aircraft"; whereas Treaty Article 14(3) refers to "ships or aircraft or rail or road transport vehicles". OECD Model includes the phrase: "boats engaged in inland waterways transport", which is missing from the Treaty Article 14(3). OECD Model states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".	UN Model Article 13(3) refers to "ships or aircraft"; whereas Treaty Article 14(3) refers to "ships or aircraft or rail or road transport vehicles". UN Model Article 13(3) includes the phrase: "boats engaged in inland waterways transport", which is missing from the Treaty Article 14(3). UN Model Article 13(3) states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Capital gains	Capital gains	Article 13(4)	Article 14(4)	Corresponding Treaty Article 14(4) - No Deviations.	The Treaty Article 14(4) includes only the phrase "alienation of shares"; whereas the UN Model Article 13(4) is broader and states "capital stock of a company, or of an interest in a partnership, trust or estate". UN Model paragraph 13(4)(1) states "Nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities" - this paragraph is not reflected in the Treaty. UN Model paragraph 13(4)(2) states: "principally in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate"; whereas the Treaty Article 14(4) states: "the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property".
Lesotho	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains, other than those to which paragraph 4 applies, derived by a resident of a Contracting State from the alienation of shares of a company which is a resident of the other Contracting State, may be taxed in that other State if the alienator, at any time during the 12 month period preceding such alienation, held directly or indirectly at least ___ per cent (the percentage is to be established through bilateral negotiations) of the capital of that company". This paragraph is not reflected in the Treaty.
Lesotho	Capital gains	Capital gains	Article 13(5)	Article 14(5)	Corresponding Treaty Article 14(5) - No Deviations.	UN Model Article 13(6) - Treaty Article 14(5) - No Deviations.
Lesotho	N/A	Independent personal services	Article 14	No Treaty Reference	Treaty does not have an Article for "Independent Services (i.e. same as OECD Model).	UN Article 14 - Independent Personal Services - Not in Treaty.
Lesotho	Income from employment	Income from employment	Article 15(1)	Article 15(1)	No Deviations.	Except for the number referencing of other provisions, no deviations between Treaty Article 15(1) and UN Model Article 15(1).
Lesotho	Income from employment	Income from employment	Article 15(2)	Article 15(2)	Treaty Article 15(2)(a) refers to "aggregate 182" days, whereas OECD Model Article 15(2)(a) refers to "aggregate 183 days".	UN Model Article 15(2)(a) refers to "aggregate 182" days, whereas Treaty Article 15(2)(a) refers to "aggregate 183 days". UN Model Article 15(2) refers to a "permanent establishment or fixed base" where as Treaty Article 15(2) only refers to "permanent establishment".
Lesotho	Income from employment	Income from employment	Article 15(3)	Article 15(3)	OECD Model Article 15(3) includes the phrase "or aboard a boat engaged in inland waterways transport"; whereas Treaty Article 15(3) does not contain this phrase. OECD Model Article 15(3) includes the phrase: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the OECD Model Article.	UN Model Article 15(3) includes the phrase "or aboard a boat engaged in inland waterways transport"; whereas Treaty Article 15(3) does not contain this phrase. UN Model Article 15(3) includes the phrase: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the UN Model Article.
Lesotho	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) - Treaty Article 16(1) - No Deviations.
Lesotho	Directors' fees	Directors' fees	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 16(1) corresponds to Treaty Article 16. UN Model Article 16(2)(2), is an additional paragraph, which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State".
Lesotho	Entertainers and sportspersons	Artistes and sportspersons	Article 17(1)	Article 17(1)	Only deviation is references to other provisions.	Only deviation is references to other provisions.
Lesotho	Entertainers and sportspersons	Artistes and sportspersons	Article 17(2)	Article 17(2)	Only deviation is references to other provisions.	Only deviation is references to other provisions.
Lesotho	Pensions and annuities	Pensions	Article 18	Article 18(1)	OECD Article 18 states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State". Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model 18(1) (Alt.A) states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State". Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Lesotho	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) "The term "annuity" as used in this Article means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is paragraph is not in OECD Model in Article 18.	Treaty Article 18(2) "The term "annuity" as used in this Article means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is paragraph is not in UN Model in Article 18.
Lesotho	Pensions and annuities	Pensions	No OECD Reference	Article 18(3)	Treaty Article 18(3) refers to pensions paid and other payments made under a public scheme etc. and is not covered in OECD Model Article 18.	UN Model Article 18(2) and corresponding Treaty Article 18(3) - No Deviations.
Lesotho	Government service	Government service	Article 19(1)-19(3)	Article 19(1)-19(3)	No Deviations.	UN Model Article 19(1)-19(3) - Treaty Article 19(1)-19(3) - No Deviations.
Lesotho	Students and business apprentices	Students	Article 20	Article 20	Treaty Article 20 - No Deviations; minor wording difference - OECD: "provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "payments received from outside that first mentioned State".	UN Article 20 includes the terms "business trainee or apprentice"; whereas Treaty Article 20 refers to "business apprentice". UN Article phrase: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first mentioned State".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Professors and teachers	N/A	No OECD Reference	Article 21	Treaty Article 21 refers to Professors and Researchers", there is no equivalent Article in the OECD Model. The Treaty Article states: Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other recognised educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by the professor or teacher from outside that State and is not borne by a university, college, school or other recognised educational institution in the first-mentioned State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons".	Treaty Article 21 refers to Professors and Researchers", there is no equivalent Article in the UN Model. The Treaty Article states: Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years from the date of first arrival in that State, solely for the purpose of teaching or carrying out research at a university, college, school or other recognised educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by the professor or teacher from outside that State and is not borne by a university, college, school or other recognised educational institution in the first-mentioned State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons".
Lesotho	Other income	Other income	Article 21(1)	Article 22(1)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 21(1) - Treaty Article 22(1) - No Deviations.
Lesotho	Other income	Other income	Article 21(2)	Article 22(2)	Treaty Article 22(2) - No Deviations.	UN Model Article 21(2) contains the phrase: "or performs in that other State independent personal services from a fixed base situated therein", and the UN Model article refers to "Permanent Establishment or Fixed Base", whereas the Treaty Article 22(2) only refers to "Permanent Establishment". UN Article 21(2) refers to Article 7 and 14, whereas the Treaty Article 22(2) refers to Articles 7.
Lesotho	Other income	Other income	No OECD Reference	Article 22(3)	Treaty Article 22(3) is not in the OECD Model, and it states" "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) - Treaty Article 22(3) - No Deviations.
Lesotho	N/A	Capital	Article 22	No Treaty Reference	OECD Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.	UN Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.
Lesotho	Elimination of double taxation	23B Credit method	Article 23(1)	Article 23(1)	OECD Model Article 23B is the Credit method. Treaty Article 23 has rules for Lesotho (Treaty Article 23(1) and South Africa (Treaty Article 23(2)), both countries follow the Credit Method. The OECD Model Article refers to income and capital tax, whereas the Treaty only refers to income, there is no reference to capital.	UN Model Article 23B is the Credit method. Treaty Article 23 has rules for Kenya and South Africa, both countries follow the Credit Method. The UN Model Article refers to income and capital tax, whereas the Treaty only refers to income, there is no reference to capital.
Lesotho	Elimination of double taxation	23B Credit method	Article 23(2)	Article 23(2)	OECD Model Article 23(2) refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Corresponding Treaty Article 23(3) states that: "but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Lesotho or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". This is not in the OECD Model.	UN Model Article 23(2) refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Corresponding Treaty Article 23(3) states that: "but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Lesotho or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". This is not in the UN Model.
Lesotho	Non-discrimination	Non-discrimination	Article 24(1)	Article 24(1)	Treaty Article 24(1) - No Deviations.	The UN Model Article 24(1) - Treaty Article 24(1) - No Deviations.
Lesotho	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty.	The UN Model Article 24(2) - pertains to "Stateless persons" not in Treaty.
Lesotho	Non-discrimination	Non-discrimination	Article 24(3)	Article 24(2)	Treaty Article 24(2) - No Deviations.	Corresponding Treaty Article 24(2) - No Deviations.
Lesotho	Non-discrimination	Non-discrimination	Article 24(4)	Article 24(3)	Treaty Article 24(3) includes references to: "paragraph 6 of Article 12" and "6 of Article 13"; OECD Model refers to "paragraph 6 of Article 12". Treaty includes: "technical services", whereas the OECD Model does not. OECD Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". Treaty Article 24(3) does not have this sentence.	Treaty Article 24(3) also includes references to: "6 of Article 13"; UN Model Article 24(4) does not". Treaty includes: "technical services", whereas the UN Model does not. UN Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State. "Treaty Article 24(3) does not have this sentence.
Lesotho	Non-discrimination	Non-discrimination	Article 24(5)	Article 24(4)	Treaty Article 24(4) - No Deviations.	UN Article 24(5) - Treaty Article 24(4) - No Deviations.
Lesotho	Non-discrimination	Non-discrimination	Article 24(6)	Article 24(5)	Treaty Article 24(5) - No Deviations.	UN Article 24(6) Corresponding Treaty Article 24(5) - No Deviations.
Lesotho	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)-25(3)	Article 25(1)-25(3)	No Deviations for Article 25(1)-25(3).	UN Article 25(1)-25(3) - Treaty Article 25(1)-25(3) No Deviations.
Lesotho	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 25(4)	No Deviations.	Treaty Article 25(4) - First sentence does not deviate from the UN Article 25(4) First sentence. However, UN Article 25(4) contains an additional sentence that is not in the Treaty, which states: "The competent authorities, through consultations, may develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Lesotho	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	Article 25(5)	OECD Article 25(5) is an additional paragraph not in the Treaty Article 25, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc.	Under Alternative B of UN Model Article 25, there is such a paragraph that corresponds to the OECD Model Article 25(5) however, the Treaty does not include this paragraph, and thus the Treaty Article 25 is compliant to UN Model 25 Alternative A, which does not contain paragraph 5.
Lesotho	Exchange of information	Exchange of information	Article 26(1)	Article 26(1)	Treaty Article 26(1) No Deviations.	UN Article 26(1) contains the phrase: "in particular, information shall be exchanged that would be helpful to a Contracting State in preventing avoidance or evasion of such taxes". Treaty Article 26(1) does not include this phrase.
Lesotho	Exchange of information	Exchange of information	Article 26(2)	Article 26(2)	OECD Article contains an additional sentence, not included in Treaty Article 26(2), which states: "Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorises such use".	UN Article 26(2) - 26(2) - No Deviations.
Lesotho	Exchange of information	Exchange of information	Article 26(3)	Article 26(3)	No Deviations.	UN Article 26(3) - 26(3) - No Deviations.
Lesotho	Exchange of information	Exchange of information	Article 26(4)	Article 26(4)	No Deviations.	UN Article 26(4) - 26(4) - No Deviations.
Lesotho	Exchange of information	Exchange of information	Article 26(5)	Article 26(5)	No Deviations.	UN Article 26(5) - Treaty Article 26(5) - No Deviations.
Lesotho	Exchange of information	Exchange of information	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Article 26(6) is an additional paragraph which states: "The competent authorities shall, through consultation, develop appropriate methods and techniques concerning the matters in respect of which exchanges of information under paragraph 1 shall be made". This is not in Treaty Article 26.
Lesotho	Assistance in the collection of taxes	Assistance in the collection of taxes	Article 27	Article 27	Both OECD Article and Treaty Article 27 cover: "Assistance in the Collection of Taxes".	Both UN Article 27 and Treaty Article 27 cover: "Assistance in the Collection of Taxes".
Lesotho	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	No Treaty Reference	Treaty Article 28 - No Deviations.	UN Article 28 - Treaty Article 28 - No Deviations.
Lesotho	N/A	Territorial extension	Article 29	Article 29	OECD Article covers "Territorial Extensions"; the Treaty does not include this Article.	UN Model does not have this Article, i.e. No deviation between the Treaty and the UN Model.
Lesotho	Entry into force	Entry into force	Article 30	Article 29	Article 29 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to OECD wording.	Article 29 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to UN Article 29 wording.
Lesotho	Termination	Termination	Article 31	Article 30	This Article is for Termination - the Treaty Article 30 has laid out rules for termination, wording is different to the OECD Model wording. One item to note is that the Treaty states: "This Agreement shall remain in force indefinitely but either of the Contracting States may terminate the Agreement, through the diplomatic channel,"; whereas The OECD Model states: This Convention shall remain in force until terminated by a Contracting State".	This Article is for Termination - the Treaty Article 30 has laid out rules for termination, wording is different to the UN Model Article 30 wording. One item to note is that the Treaty states: "This Agreement shall remain in force indefinitely but either of the Contracting States may terminate the Agreement, through the diplomatic channel,"; whereas The UN Model states: This Convention shall remain in force until terminated by a Contracting State".
Malawi	Entry into force: 2 Sept. 1971 Conclusion date: 3 May 1971				OECD Model 1963	N/A Malawi Treaty pre-dates UN Model thus no analysis
Malawi	Persons covered	Persons covered	Article 1	N/A	The Treaty does not have the "Personal Scope" Article per OECD Article 1	N/A
Malawi	Taxes covered	Taxes covered	Article 2(1)	N/A	OECD Model paragraph applies to: "taxes on income and on capital imposed"; The Treaty does not include this paragraph.	N/A
Malawi	Taxes covered	Taxes covered	Article 2(2)	N/A	Treaty Article 2 does not contain the OECD Model Article 2(2) paragraph.	N/A
Malawi	Taxes covered	Taxes covered	Article 2(3)	Article I(1)(a) and (1)(b)	OECD Model - paragraph is for each State to specify taxes. Corresponding Treaty Article I(1)(a) - (i) the normal tax; (ii) the non-resident shareholders' tax; (iii) the undistributed profits tax; (iv) the non-residents tax on interest; and (v) the provincial income and personal taxes; (hereinafter referred to as "South African tax"); (b) in Malawi: -- the Income Tax on persons; (hereinafter referred to as "Malawi tax").	N/A
Malawi	Taxes covered	Taxes covered	Article 2(4)	Article I(2)	OECD Model Article 2(4) states: "At the end of each year, the competent authorities of the Contracting States shall notify to each other any changes which have been made in their respective taxation laws". This paragraph is not in Treaty Article I(2).	N/A
Malawi	General definitions	General definitions	Article 3	Article II	Treaty Article II is entitled "General Definitions", and covers the OECD Articles : 3 - Definitions, 4 - Fiscal Domicile, 5 - Permanent Establishment.	N/A

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Malawi	General definitions	General definitions	No OECD Reference	Article II(1)(a) and (1)(b)	Treaty Article includes definition of the Contracting States: (a) the term "South Africa" means the Republic of South Africa; (b) the term "Malawi" means the Republic of Malawi. The OECD Model does not define the Contracting States in Article 3, but refer OECD Model Article 28 - Territorial Extension.	N/A
Malawi	General definitions	General definitions	Article 3(1)(a)	Article II(1)(e)	OECD Article defines person: "comprises an individual, a company and any other body of persons"; Treaty Article II(1)(e) which states: "the term "person" includes any body of persons, corporate or not corporate".	N/A
Malawi	General definitions	General definitions	Article 3(1)(b)	Article II(1)(f)	OECD Article defines company as: "means any body corporate or any entity which is treated as a body corporate for tax purposes"; whereas Treaty Article II(1)(f) states: "company includes any body corporate".	N/A
Malawi	General definitions	General definitions	Article 3(1)(d)	Article II(1)(i) and (1)(j)	OECD Model Article 3(1)(d) defines the term Enterprise of a Contracting State as: "an enterprise carried on by a resident of a Contracting State". Treaty Article II(1)(i) states: "South African enterprise" and "Malawi enterprise" mean respectively an industrial or commercial enterprise or undertaking carried on by a resident". Treaty Article II(1)(j) states that "enterprise includes: "mining, agricultural or pastoral activities, or banking, insurance or dealing in investments" but states certain exclusions of income such as dividends, interest, royalties, management fees, remuneration for personal services, profits from transport.	N/A
Malawi	General definitions	General definitions	No OECD Reference	Article II(1)(d) and II(2)	Treaty Article II(1)(d) defines "tax" as "means South African tax or Malawi tax as the context requires; and Treaty Article II(2) states that: "The terms "South African tax" and "Malawi tax" do not include any sum payable in respect of any default or omission in relation to the taxes which are the subject of this Convention or which represents a penalty imposed under the laws of either Contracting State relating to those taxes". There is no definition of "tax" in OECD Model Article 3.	N/A
Malawi	General definitions	Fiscal domicile	Article 4(1)	Article II(1)(g)(1)	OECD Model Article 4(1) states: "resident" "means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature"; whereas corresponding Treaty Article II(1)(g)(1) states: the terms "resident of South Africa" and "resident of Malawi" mean respectively any person who is ordinarily resident in South Africa for the purposes of South African tax and any person who is resident in Malawi for the purposes of Malawi tax".	N/A
Malawi	General definitions	Fiscal domicile	Article 4(2)(a) to 4(2)(d)	Article II(1)(g)(ii)(aa) - (dd)	OECD Article 4(2)(a) to 4(2)(d) correspond to Treaty Article II(1)(g)(ii)(aa) - (dd) - No Deviations in the "Tie Breaker Rules" for individuals.	N/A
Malawi	General definitions	Fiscal domicile	Article 4(3)	Article II(1)(g)(iii)	OECD Model Article 4(3) corresponds to Treaty Article II(1)(g)(iii), but has an additional phrase which states: "the same provision shall apply to partnerships and associations which under the national laws by which they are governed are not legal persons".	N/A
Malawi	General definitions	Permanent Establishment	Article 5(1)	II(1)(k)(i)	Corresponding Treaty Article II(1)(k)(I) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(2)(a) - (g)	II(1)(k)(ii)(aa) to (ff).; II(1)(k)(ii)(gg).	OECD Article paragraphs 5(2)(a) to (f) are the same as Treaty paragraphs II(1)(k)(ii)(aa) to (ff). OECD Article 5(2)(g) adds the phrase: "which exists for more than twelve months", which is not in the Treaty Article II(1)(k)(ii)(gg).	N/A
Malawi	General definitions	Permanent Establishment	Article 5(3)(a)	Article II(1)(k)(iii)(aa)	Corresponding Treaty Article II(1)(k)(iii)(aa) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(3)(b)	Article II(1)(k)(iii)(bb) -	Corresponding Treaty Article II(1)(k)(iii)(bb) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(3)(c)	Article II(1)(k)(iii)(cc)	Corresponding Treaty Article II(1)(k)(iii)(cc) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(3)(d)	Article II(1)(k)(iii)(dd)	Corresponding Treaty Article II(1)(k)(iii)(dd) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(3)(e)	Article II(1)(k)(iii)(ee)	Corresponding Treaty Article II(1)(k)(iii)(ee) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	No OECD Reference	Article II(1)(iv)	Treaty Article II(1)(iv) states: "an enterprise of one of the Contracting States shall be deemed to have a permanent establishment in the other Contracting State if it carries on the activity of providing the services of public entertainers or of athletes referred to in Article 9, in that other Contracting State". This is not in the OECD Model.	N/A
Malawi	General definitions	Permanent Establishment	Article 5(4) - 5(6)	Treaty Article II(1)(v) to (vii)	Corresponding Treaty Article II(1)(v) -Article II(1)(vii) - No Deviations.	N/A
Malawi	General definitions	Permanent Establishment	No OECD Reference	Article II(1)(viii)	Treaty Article II(1)(viii) states: "the fact that an enterprise of one of the Contracting States is erecting plant or machinery in the other Contracting State shall not of itself constitute a permanent establishment of such enterprise in the other Contracting State, if the erection is an integral part of the contract for the supply of such plant and machinery".	N/A
Malawi	N/A	Income from immovable property	Article 6(1) - 6(4)	No Treaty Reference	OECD Model Article 6 refers to Income from Immoveable Property, no such article in the Treaty.	N/A
Malawi	Business profits	Business profits	Article 7(1)	Article III(1) -	Corresponding Treaty Article III(1) - OECD refers to "profits of an enterprise" whereas Treaty refers to "the industrial and commercial profits of an enterprise"; OECD refers to "carries on business"; whereas Treaty Article refers to: "engaged in trade or business".	N/A

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Malawi	Business profits	Business profits	Article 7(2)	Article III(2)	OECD Article states: "profits which it might be expected to make if it were a distinct and separate enterprise engaged in the same or similar activities under the same or similar conditions and dealing wholly independently with the enterprise of which it is a permanent establishment"; Corresponding Treaty Article III(2) states: "industrial or commercial profits which it might be expected to derive in that other Contracting State if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment" (Not a significant deviation).	N/A
Malawi	Business profits	Business profits	Article 7(3)	Article III(4)	OECD Model Article refers to "profits"; corresponding Treaty Article III(4) refers to "industrial or commercial profits"; Treaty also includes an additional phrase: "expenses which would be deductible if the permanent establishment were an independent enterprise". This is not in the OECD Model.	N/A
Malawi	Business profits	Business profits	Article 7(4)	No Treaty Reference	OECD Model Article states: "insofar as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary; the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles laid down in this Article". This is not in the Treaty.	
Malawi	Business profits	Business profits	Article 7(5)	Article III(3)	Corresponding Treaty Article III(3) begins with: "no portion of any profits arising from the sale of goods or merchandise by an enterprise of one of the Contracting States", which is not in the OECD Model.	N/A
Malawi	Business profits	Business profits	Article 7(6)	No Treaty Reference	OECD Model Article states that "the profits attributed to the permanent establishment shall be determined by the same method year by year". This paragraph is not in the Treaty.	N/A
Malawi	Business profits	Business profits	Article 7(7)	No Treaty Reference	OECD Model Article states that "profits include items of income which are dealt with separately in other Articles of this Convention, then the provisions of those Articles shall not be affected by the provisions of this Article". This paragraph is not in the Treaty.	N/A
Malawi	Business profits	Business profits	No OECD Reference	Article III(5)	Treaty Article III(5) states: "This Article shall not apply in any case in which its application would have the result that income, which but for such application would be subject to tax in one of the Contracting States, would not be subject to tax in neither Contracting State". This paragraph is not in the OECD Model Article 7.	
Malawi	Shipping, inland waterways transport and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article V	OECD Model states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article V states: "Notwithstanding the provisions of Articles 3 and 4, profits derived by the Government of or by a resident of one of the Contracting States from operating transport services between the Contracting States shall be exempt from tax in the other Contracting State".	N/A
Malawi	Shipping, inland waterways transport and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty. This paragraph is not in Article V of the Treaty.	N/A
Malawi	Shipping, inland waterways transport and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model Article refers to place of effective management of inland transport, which is not covered in Treaty Article V.	N/A
Malawi	Associated enterprises	Associated enterprises	Article 9	Article IV	Corresponding Treaty Article IV - No Deviations.	N/A
Malawi	Dividends	Dividends	Article 10	No Treaty Reference	OECD Article refers to Dividends paid to residents of the Other Contracting State and limits to taxes, and other provisions. There is no such Article for Dividends in the Treaty. Treaty Article XIV 2(a)(ii) only refers to "Non -residents shareholders tax" in South Africa.	N/A
Malawi	Interest	Interest	Article 11(1)	Article XII(3)	OECD Article refers to Interest paid to residents of the Other Contracting State and limits to taxes, and other provisions. There is no separate article for Interest in the Treaty. However, refer Treaty Article XII(3) which relates to "non-residents tax on interest imposed in South Africa".	N/A
Malawi	Interest	Interest	Article 11(2)	Article XII(3)	OECD Model Article states that: "the tax so charged shall not exceed 10 per cent of the amount of the interest"; where as Treaty Article XII(3) states: "where the non-residents tax on interest imposed in South Africa is payable in respect of interest accrued from a source in Malawi, Malawi shall allow such non-residents tax on interest as a credit against any Malawi tax payable in respect of the interest so accrued, but not exceeding so much of the tax as may be attributable to the inclusion of such interest in the taxable income, provided that the rate of such non-residents tax on such interest shall not exceed 10 per cent". OECD Model Article has an additional phrase: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation" this is not in Treaty.	N/A
Malawi	Interest	Interest	Article 11(3)-(6)	No Treaty reference	No Treaty reference for OECD Article on interest.	N/A
Malawi	Royalties	Royalties	Article 12(1)	Article VI(1)	OECD Article states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State"; Treaty Article VI(1) states any royalty or rent "shall be exempt from tax in that first-mentioned Contracting State if such royalty, rent or other consideration is subject to tax in the other Contracting State".	N/A

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Malawi	Royalties	Royalties	Article 12(2)	Article VI(1)	Treaty Article VI(1) includes an additional item in the Royalties definition: "advertising matter" and the phrase "or other property of a similar nature, including any amount received or accrued for the imparting of or the undertaking to impart any knowledge directly or indirectly", whereas the OECD Model includes terms: "copyright of literary, artistic".	N/A
Malawi	Royalties	Royalties	No OECD Reference	Article VI(2)	Treaty Article states: "does not include any amount paid in respect of the operation of a mine, oil well or quarry or of any other extraction of natural resources". This is not in the OECD Model.	
Malawi	Royalties	Royalties	Article 12(3)	No Treaty Reference	OECD Article refers to the recipient of the royalties being a permanent establishment - no such paragraph in Treaty.	N/A
Malawi	Royalties	Royalties	Article 12(4)	No Treaty Reference	OECD Article refers to the royalties and a special relationship between the parties - no such paragraph in Treaty.	N/A
Malawi	N/A	Capital gains	Article 13	No Treaty Reference	OECD Model Article 13 refers to "Capital Gains", no such article in the Treaty.	N/A
Malawi	N/A	Independent personal services	Article 14	No Treaty Reference	OECD Article 14 refers to "Independent Personal Services" - Treaty does not include an Article for Independent Personal Services, however, refer Treaty Article XII regarding elimination of double taxation, article states: "For the purposes of this Article profits or remuneration for personal, including professional, services performed in one of the Contracting States shall be deemed to be profits from sources within that contracting State, and the services of an individual whose services are wholly or mainly performed in aircraft or other transport vehicles operated by a resident of one of the Contracting States shall be deemed to be performed in that Contracting State".	N/A
Malawi	Income from employment	Dependent personal services	Article 14(1)	No Treaty Reference	OECD Model Article states: "salaries, wages and other similar remuneration derived by a resident of a Contracting State in respect of an employment shall be taxable only in that State unless the employment is exercised in the other Contracting State." This paragraph is not in Treaty Article VIII.	N/A
Malawi	Income from employment	Dependent personal services	Article 14(2)	Article VIII(1)(c)	Corresponding Treaty Article VIII(1)(c) includes the phrase: "the profits or remuneration are subject to South African tax" and Treaty Article VIII(2)(c) states: "the profits or remuneration are subject to Malawi tax". This is not in the OECD Model Article 14.	N/A
Malawi	Income from employment	Dependent personal services	Article 14(3)	No Treaty Reference	OECD Model Article refers to remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic - this is not in Treaty Article VIII.	N/A
Malawi	N/A	Directors' fees	Article 16	No Treaty Reference	OECD Model Article refers to Director's Fees - no Treaty Article.	N/A
Malawi	Artistes and sportsmen	Artistes and athletes	Article 17	Article IX	Corresponding Treaty Article IX - No Deviations.	N/A
Malawi	N/A	Pensions	Article 18	No Treaty Reference	OECD Model Article refers to Pensions- no similar Treaty Article (other than referenced in Article VII "Government Service".	N/A
Malawi	Government service	Government service	Article 19(1)	Article VII(1)	OECD Article 19(1) refers to: "remuneration including pensions"; whereas Treaty Article VII(1) refers only to: "remuneration, other than a pensions". Treaty Article VII(1) contains the phrase: "the individual is not ordinarily resident in that State or is ordinarily resident in that State solely for the purpose of rendering those services"; not in OECD Model.	N/A
Malawi	Government service	Government service	No OECD Reference	Article VII(1)	Treaty Article VII(1) includes an additional paragraph "if, immediately prior to the cessation of those services, the remuneration therefor was exempt from tax in that State, whether under paragraph 1 of this Article or otherwise, or would have been exempt under that paragraph if this Convention had been in force at the time the remuneration was paid" - this is not in the OECD Model.	N/A
Malawi	Government service	Government service	Article 19(2)	Article VII(3)	OECD Model states: "The provisions of Articles 14, 16 and 18 shall apply to remuneration or pensions in respect of services rendered in connection with any trade or business carried on by one of the Contracting States"; whereas corresponding Treaty Article VII(3) states: "The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States for purposes of profit".	N/A
Malawi	Government service	Government service	No OECD Reference	Article VII(2)	Article VII(2) is an additional paragraph, which includes: "any pension paid by one of the Contracting States to any individual for services rendered to that Contracting State in the discharge of governmental functions shall be exempt from tax in the other Contracting State if, immediately prior to the cessation of those services, the remuneration therefor was exempt from tax in that State".	N/A
Malawi	Professors or Teachers	N/A	No OECD Reference	Article X	Treaty Article X - Professors or Teachers - not in OECD Model, which states: "the remuneration derived by a professor or teacher who is a resident of one of the Contracting States, for teaching, during a period of temporary residence not exceeding two years, at a university, college, school or other educational institution in the other Contracting State, shall be exempt from tax in that other Contracting State if such remuneration is subject to tax in such first-mentioned Contracting State".	N/A

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Malawi	Students	Students	Article 20	Article XI	OECD Article states: "Payments which a student or business apprentice who is or was formerly a resident of a Contracting State and who is present in the other Contracting State solely for the purpose of his education or training receives for the purpose of his maintenance, education or training shall not be taxed in that other State, provided that such payments are made to him from sources outside that other State"; whereas Treaty Article XI states: "A student or business apprentice from one of the Contracting States who is receiving full-time education or training in the other Contracting State shall be exempt from tax in that other Contracting State on payments made to him by persons in the first-mentioned Contracting State for the purposes of his maintenance, education or training".	N/A
Malawi	N/A	Other income	Article 21	No Treaty Reference	OECD Model Article 21 refers to "Income not expressly mentioned" - this Article is not in the Treaty.	N/A
Malawi	N/A	Capital	Article 22	No Treaty Reference	OECD Model Article is "Taxation of Capital" - this Article is not in the Treaty.	N/A
Malawi	Elimination of double taxation	23B Credit method	Article 23	Article XII	OECD Model Article 23B is the Credit Method, and the Treaty Article XII allows for the Credit Method for both countries. Treaty the refers to " credits tax payable in respect of profits"; whereas the OECD Model 23B(1)(a) refers to "deduction from tax on the income", and 23B(1)(b) deduction from tax on the capital"; The OECD Model 23B(2) is an additional paragraph not in the Treaty, which provides that the deduction "shall not exceed that part of the income tax or capital tax, respectively, as computed before the deduction is given, which is appropriate, as the case may be, to the income or the capital which may be taxed in the other Contracting State".	N/A
Malawi	Elimination of double taxation	23B Credit method	Article 23 Ctd.	Article XII(3) and XII(4)	Treaty Article XII(3) is an additional provision: Where the non-residents tax on interest imposed in South Africa is payable in respect of interest accrued from a source in Malawi, Malawi shall allow such non-residents tax on interest as a credit against any Malawi tax payable in respect of the interest so accrued, but not exceeding so much of the tax as may be attributable to the inclusion of such interest in the taxable income: Provided that the rate of such non-residents tax on such interest shall not exceed 10 per cent". Not in the OECD Model. Treaty Article X(II)(4) provides that: "for the purposes of this Article profits or remuneration for personal, including professional, services performed in one of the Contracting States shall be deemed to be profits from sources within that Contracting State, and the services of an individual whose services are wholly or mainly performed in aircraft or other transport vehicles operated by a resident of one of the Contracting States shall be deemed to be performed in that Contracting State. This is not in the OECD Model.	N/A
Malawi	N/A	Non-discrimination	Article 24	No Treaty Reference	There is no Treaty Article for Non-discrimination.	N/A
Malawi	Mutual agreement procedure	Mutual agreement procedure	Article 25	No Treaty Reference	There is no Treaty Article for Mutual Agreement Procedures.	N/A
Malawi	Exchange of information	Exchange of information	Article 26(1) to 26(2)	Article XIII	OECD Model Article 26(1) includes the phrase: "insofar as the taxation thereunder is in accordance with this Convention" which is not included in corresponding Treaty Article XIII. Treaty Article XIII includes the phrase: "or for the prevention of fraud or the administration of statutory provisions against legal avoidance in relation to the taxes which are the subject of this Convention"; which is not in OECD Model. OECD Model Article 26(2) provisions are not in the Treaty.	N/A
Malawi	N/A	Assistance in the collection of taxes	(No Article 1963 OECD)	No Treaty Reference	OECD 1963 Model does not contain an Article for the Assistance in the collection of taxes.	N/A
Malawi	N/A	Members of diplomatic missions and consular posts	Article 27	No Treaty Reference	There is no Treaty Article for Diplomatic and consular officials.	N/A
Malawi	N/A	Territorial extension	Article 28	No Treaty Reference	OECD Article 28 - Territorial Extension - no Treaty equivalent.	N/A
Malawi	Entry into Force	Entry into Force	Article 29	Article XIV	Treaty Article XIV has specific rules for ratification.	N/A
Malawi	Termination	Termination	Article 30	Article XV	Treaty Article XV has specific rules for termination. The beginning of sentence states: "this Convention shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	N/A
Mauritius	Entry into force: 28 May 2015 Conclusion date: 17 May 2013				OECD Model 2010	UN Model 2011
Mauritius	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Mauritius	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income" and "total capital"; whereas Treaty Article 2(1) applies only to taxes on income".	UN Model Article 2(1) applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". OECD Model Article includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model Article 2(2) applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". UN Model Article 2(2) includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Mauritius	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Mauritius Other than "income" taxes; Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Mauritius. Other than "income" taxes; Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).
Mauritius	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	No Deviations.	UN Model Article 2(4) last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "been made in their taxation laws".
Mauritius	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term Mauritius" means the Republic of Mauritius; (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Mauritius and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term Mauritius" means the Republic of Mauritius; (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Mauritius and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Mauritius	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	The term "Person" : Treaty Article 3(1)(k) includes an additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Mauritius	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	Corresponding Treaty Article 3(1)(g) defines "enterprise" - No Deviations.	Treaty Article 3(1)(g) defines "enterprise" as: "carrying on of any business"; whereas the UN Model Article 3(1) does not define "enterprise".
Mauritius	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	The OECD Article 3(1)(e) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	The UN Model Article 3(1)(d) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Mauritius	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD 3(1)(g)(ii) "Legal Person" - includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	Treaty Article 3(1)(j)(i) "National" includes "citizenship"; which is not included in UN Model Article 3(1)(f)(i). UN Model Article 3(1)(f)(ii) "Legal Person" - includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".
Mauritius	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	Corresponding Treaty Article 3(1)(d) define "business" - No deviations.	Treaty Article 3(1)(d) defines "business" includes "the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Mauritius	General definitions	General definitions	No OECD Reference	Article 3(1)(l)	Treaty Article 3(1)(l) is an additional paragraph which states: "the term "tax" means Mauritius tax or South African tax, as the context requires", this is not in the OECD Model	Treaty Article 3(1)(l) is an additional paragraph which states: "the term "tax" means Mauritius tax or South African tax, as the context requires", this is not in the UN Model
Mauritius	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Mauritius	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model Article 4(1) includes the phrase: "in respect only of income from sources in that State or capital situated therein". Treaty Article 4(1)(b) excludes the phrase: "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) includes the phrase: "in respect only of income from sources in that State or capital situated therein". Treaty Article 4(1)(b) excludes the phrase: "or capital situated therein".
Mauritius	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d).	No Deviations for paragraphs 4(2)(a) to 4(2)(d).
Mauritius	Resident	Resident	Article 4(3)	Article 4(3)	OECD Model states: person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article states: "Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and determine the mode of application of the Agreement to such person. In the absence of such agreement such person shall be considered to be outside the scope of the Agreement except for the provisions of Article 25".	UN Model Article 4(3) states: person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article states: "Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to settle the question and determine the mode of application of the Agreement to such person. In the absence of such agreement such person shall be considered to be outside the scope of the Agreement except for the provisions of Article 25".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e) and (g)	Article 5(2)(a) - (e) and (g)	OECD Article paragraphs 5(2)(a) to (e) and (f) are the same as Treaty paragraphs 5(2)(a) to (e) and (g).	UN Model Article paragraphs 5(2)(a) to (e) and (f) are the same as Treaty paragraphs 5(2)(a) to (e) and (g).
Mauritius	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(f)	Treaty Article 5(2)(f) is an additional paragraph, not in OECD Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for other persons".	Treaty Article 5(2)(f) is an additional paragraph, not in UN Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for other persons".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(2)(h)	Article 5(2)(h)	Treaty Article 5(2)(h) is an additional paragraph, not in OECD Model Article 5, which states: "an installation or structure used for the exploration of natural resources".	Treaty Article 5(2)(h) is an additional paragraph, not in UN Model Article 5, which states: "an installation or structure used for the exploration of natural resources".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	Treaty Article 5(3)(a) includes additional terms "or assembly project, or supervisory activities in connection therewith", not in the OECD Model.	Treaty Article 5(3)(a) includes additional terms "or assembly project, or supervisory activities in connection therewith", not in UN Model Article 5(3)(a). Treaty Article 5(3)(a) time limit is "lasts more than 12 months"; where as UN Model is Article 5(3)(a) states "lasts more than 6 months".
Mauritius	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) includes the phrase "including consultancy services", which is not in Treaty Article 5(3)(b).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c), additional paragraph not in OECD Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c), additional paragraph not in UN Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	No Deviations.	Treaty Article 5(4)(a) includes the term "delivery"; UN Article 5(4)(a) does not include "delivery".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	No Deviations.	Treaty Article 5(4)(b) includes the term "delivery"; UN Article 5(4)(b) does not include "delivery".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(c)	Article 5(4)(c)	No Deviations.	No Deviations.
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(d)	Article 5(4)(d)	No Deviations.	No Deviations.
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(e)	Article 5(4)(e)	OECD Model states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; whereas Treaty Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise".	UN Model Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character; whereas Treaty Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(4)(f)	No Deviations.	UN Article 5(4)(f) - Treaty Article 5(4)(f) - No Deviations.
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(a) - Treaty Article 5(5) - No Deviations; UN Model Article 5(5)(b), which is not in the Treaty, states: "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise".
Mauritius	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6) in an additional paragraph, not in Treaty, which states: "Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(6), which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Mauritius	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Mauritius	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3)- Treaty Article 6(1)-6(3) No Deviations.
Mauritius	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) contains an additional phrase, not included in Treaty Article 6(4), which states: "and to income from immovable property used for the performance of independent personal services".
Mauritius	Business profits	Business profits	Article 7(1)	Article 7(1)	OECD Article 7(1) second sentence states: "If the enterprise carries on business as aforesaid, the profits that are attributable to the permanent establishment in accordance with the provisions of paragraph 2 may be taxed in that other State"; whereas Treaty Article 7(1) states: "if the enterprise carries on business as aforesaid, the profits of the enterprise may be taxed in the other State but only so much of them as is attributable to that permanent establishment".	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment" - these are not in Treaty Article 7(1).
Mauritius	Business profits	Business profits	Article 7(2)	Article 7(2)	OECD Article 7(2) states: "For the purposes of this Article and Article [23A] [23B "whereas Treaty Article 7(2) states: "Subject to the provisions of paragraph 3 of this Article"; OECD Article 7(2) states: "if it were a separate and independent enterprise"; whereas the Treaty Article 7(2) states: "if it were a distinct and separate enterprise" OECD Article 7(2) includes the phrase: "taking into account the functions performed, assets used and risks assumed by the enterprise through the permanent establishment and through the other parts of the enterprise"; this is not in Treaty Article 7(2).	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Mauritius	Business profits	Business profits	Deleted from 2010 onwards	Article 7(3)	Treaty Article 7(3) is not in the OECD Model Article 7; pertains to deductions permissible which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere"; The Treaty Article further details what deductions are permissible, particularly payments made to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations.
Mauritius	Business profits	Business profits	Article 7(3)	Article 7(4)	Both OECD Article 7(3) and Treaty Article 7(4) permit an adjustment to the profits of a permanent establishment. However, OECD Article 7(3) states that: "In determining such adjustment, the competent authorities of the Contracting States shall if necessary consult each other". Treaty Article 7(4) does not include this consultation, but states that: "the method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".	UN Article 7(4) - Treaty Article 7(4) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Business profits	Business profits	No OECD Reference Article 7(5) Deleted from 2010 onwards	Article 7(5)	Treaty Article 7(5) is an additional paragraph, not in OECD Article 7, which states: "No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations." This is not in Treaty Article 7.
Mauritius	Business profits	Business profits	No OECD Reference <i>(Article 7(6) deleted from 2010 onwards)</i>	Article 7(6)	Treaty Article 7(6) is an additional paragraph, not in OECD Article 7, which states: "for the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary".	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Mauritius	Business profits	Business profits	Article 7(4)	Article 7(7)	Corresponding Treaty Article 7(7) - No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Mauritius	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1)(Alt A) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
Mauritius	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Mauritius	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Mauritius	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits from the rental on a bareboat basis of ships or aircraft; and (b) profits from the use or rental of containers (including trailers and related equipment for the transport of containers), used for the transport of goods or merchandise; where such rental or use is incidental to the operation of ships or aircraft in international traffic". No equivalent OECD Model Article 8.	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits from the rental on a bareboat basis of ships or aircraft; and (b) profits from the use or rental of containers (including trailers and related equipment for the transport of containers), used for the transport of goods or merchandise; where such rental or use is incidental to the operation of ships or aircraft in international traffic". No equivalent UN Model Article 8.
Mauritius	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Corresponding Treaty Article 8(3) - No Deviations	UN Model Article 8(4) - Treaty Article 8(3) No Deviations
Mauritius	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Mauritius	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	No Deviations.	UN Model Article 9(2) - Treaty Article 9(2) No Deviations.
Mauritius	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default"; which is not in Treaty Article 9.
Mauritius	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Mauritius	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "(a) if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital; and (b) 10 per cent in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "10 per cent in all other cases".
Mauritius	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Mauritius	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment".
Mauritius	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
Mauritius	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) - No deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the % of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. Treaty Article 11(2) limits the taxation to 10% if the beneficial owner is resident of the other Contracting State.
Mauritius	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3), which is not in OECD Model Article 11, states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or (b) the interest is paid to the Government of the other Contracting State or a political subdivision or a local authority thereof; or (c) the interest is paid by the Central Bank of that Contracting State or to the Central Bank of the other Contracting State; or (d) the interest is paid to any institution or body which is wholly owned, directly or indirectly, by the other Contracting State or a political subdivision or a local authority thereof; or (e) the interest arises in respect of any debt instrument listed on a recognised stock exchange.	Treaty Article 11(3), which is not in UN Model Article 11, states: " Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or (b) the interest is paid to the Government of the other Contracting State or a political subdivision or a local authority thereof; or (c) the interest is paid by the Central Bank of that Contracting State or to the Central Bank of the other Contracting State; or (d) the interest is paid to any institution or body which is wholly owned, directly or indirectly, by the other Contracting State or a political subdivision or a local authority thereof; or (e) the interest arises in respect of any debt instrument listed on a recognised stock exchange.
Mauritius	Interest	Interest	No OECD Reference	Article 11(4)	Treaty Article 11(4), which is not in OECD Model Article 11, states: "For the purposes of paragraph 3(e), the term "recognised stock exchange" means: (a) in Mauritius, the Stock Exchange of Mauritius; (b) in South Africa, the Johannesburg Stock Exchange; (c) any other stock exchange agreed upon by the competent authorities of the Contracting States.	Treaty Article 11(4), which is not in UN Model Article 11, states: "For the purposes of paragraph 3(e), the term "recognised stock exchange" means: (a) in Mauritius, the Stock Exchange of Mauritius; (b) in South Africa, the Johannesburg Stock Exchange; (c) any other stock exchange agreed upon by the competent authorities of the Contracting States.
Mauritius	Interest	Interest	Article 11(3)	Article 11(5)	Corresponding Treaty Article 11(5) includes the phrase:" The term "interest" shall not include any item which is treated as a dividend under the provisions of Article 10 of this Agreement", This is not in OECD Model Article 11.	Corresponding Treaty Article 11(5) includes the phrase:" The term "interest" shall not include any item which is treated as a dividend under the provisions of Article 10 of this Agreement", This is not in UN Model Article 11.
Mauritius	Interest	Interest	Article 11(4)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(3), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 11(4) includes the paragraph "effectively connected with (a) such permanent establishment; or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 11(5) only refers to permanent establishment, not fixed base, and does not contain the additional paragraph (b) ; and the Treaty Article only references the provisions of Article 7.
Mauritius	Interest	Interest	Article 11(5)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(7) only refers to: "permanent establishment".
Mauritius	Interest	Interest	Article 11(6)	Article 11(8)	Corresponding Treaty Article 11(8) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(8) - No Deviations.
Mauritius	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State"; Treaty Article 12(1) states: "may be taxable only in that other State".	UN Model Article 12(1) states: "royalties arising in a Contracting State may be taxed in that other State"; whereas Treaty Article 12(1) states: "royalties arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State, provided such resident is the beneficial owner of the royalties".
Mauritius	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2), which is a paragraph not contained in the OECD Model, states: "however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties".	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation. Treaty Article 12(2) states "the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties".
Mauritius	Royalties	Royalties	Article 12(2)	Article 12(3)	Corresponding Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes: "the right to use, industrial, commercial or scientific equipment"; Treaty Article 12(3) does not contain this phrase.
Mauritius	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in Treaty Article 12(4). UN Model also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12(4) does not include paragraph (b), and only refers to the Provisions of Article 7.
Mauritius	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) includes the terms "permanent establishment or fixed base"; whereas Treaty Article 12(5) only includes the terms "permanent establishment" and not "fixed base".
Mauritius	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations
Mauritius	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations
Mauritius	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). The UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".
Mauritius	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(a) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; b) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate". Treaty Article only refers to "gains derived from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State".
Mauritius	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty Article 13 does not contain this paragraph.
Mauritius	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations
Mauritius	N/A	Independent personal services	Article 14	N/A	Deleted in OECD Model, and Treaty also does not have an Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which has been deleted from OECD Model, and the Treaty also does not include this Article.
Mauritius	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17, 18 and 20.	UN Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17, 18 and 20.
Mauritius	Income from employment	Income from employment	Article 15(2)	Article 14(2)	OECD Article 15(2)(a) states: "the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned"; whereas Treaty Article 14(2)(a) states: "the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned"; Paragraphs (b) and (c) - No Deviations.	UN Article 15(2)(a) states: "the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in any twelve month period commencing or ending in the fiscal year concerned"; whereas Treaty Article 14(2)(a) states: "the recipient is present in the other State for a period or periods not exceeding in the aggregate 183 days in the calendar year concerned". UN Model Article 15(2)(c) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 14(2)(c) only refers to "permanent establishment".
Mauritius	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3). OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 15(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Mauritius	Directors' fees	Directors' fees	Article 16	Article 15	Corresponding Treaty Article 15 - No Deviations.	UN Model Article 16(1) -Treaty Article 15 - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article 15.
Mauritius	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	OECD Article 17(1) states: "from his personal activities as such exercised in the other Contracting State, may be taxed in that other State"; whereas Treaty Article 16(1) states "may be taxed in the Contracting State in which these activities are exercised" (minor wording difference).	UN Article 17(1) states: "from his personal activities as such exercised in the other Contracting State, may be taxed in that other State"; whereas Treaty Article 17(1) states "may be taxed in the Contracting State in which these activities are exercised" (minor wording difference). UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.
Mauritius	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	No Deviations.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.
Mauritius	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 16(3)	Treaty Article 16(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in OECD Model Article 17.	Treaty Article 16(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in UN Model Article 17.
Mauritius	Pensions and annuities	Pensions	Article 18	Article 17(1)	OECD Model Article 18 refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State."; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt. A) refers to "pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	Treaty Article 17(2) refers to defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	Treaty Article 18(2) refers to defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". UN Model Article 18 does not include this paragraph.
Mauritius	Pensions and annuities	Pensions	No OECD Reference	Article 17(3)	Treaty Article 18(3) states:" Notwithstanding the provisions of paragraph 1 of this Article, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State or a political subdivision or a local authority thereof shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2)- Treaty Article 18(3) - No Deviations.
Mauritius	Government service	Government service	Article 19(1)	Article 18(1)	No Deviations.	UN Model Article 19(1) -Treaty Article 18(1) - No Deviations.
Mauritius	Government service	Government service	Article 19(2)	Article 18(2)	No Deviations.	UN Model Article 19(2) -Treaty Article 18(2) - No Deviations.
Mauritius	Government service	Government service	Article 19(3)	Article 18(3)	OECD Model Article refers to the provisions of Articles 15,16,17 and 18, whereas Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.	UN Model Article refers to the provisions of Articles 15,16,17 and 18, whereas Treaty Article 18(3) refers to the provisions of Articles 14, 15, 16 and 17.
Mauritius	Students and business apprentices	Students	Article 20	Article 19	OECD Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Mauritius	Professors and Teachers	N/A	No OECD Reference	Article 20	Treaty Article 20 is an addition not in OECD Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first mentioned State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons".	Treaty Article 20 is an addition not in UN Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first mentioned State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons".
Mauritius	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Article 21(1) - Treaty Article 21(1) - No Deviations.
Mauritius	Other income	Other income	Article 21(2)	Article 21(2)	OECD Article includes the phrase: "other than income from immovable property as defined in paragraph 2 of Article 6". This is not included on Treaty Article 21(2).	UN Model Article 21(2) includes the phrase: "performs in that other State independent personal services from a fixed base situated therein", which is not in Treaty Article 21(2). UN Article 21(2) includes the phrase: "other than income from immovable property as defined in paragraph 2 of Article 6". This is not included on Treaty Article 21(2). UN Model Article 21(2) refers to "permanent establishment or fixed base" whereas Treaty Article 21(2) only refers to "permanent establishment".
Mauritius	Other income	Other income	No OECD Reference	Article 21(2)	Treaty Article 21(3) is not in the OECD Model, and it states" "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) - Treaty Article 21(3) - No Deviations.
Mauritius	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Mauritius	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model 23B is the Credit method. Corresponding Treaty Article 22 provides methods of elimination: Treaty Article 22(1)(a) pertains to Mauritius, which provides for the credit method. Treaty Article 22(1) contains additional paragraphs not in the OECD Model: (a)(ii) pertains to credits on dividends; (a)(iii) pertains dividends paid by a company resident of South Africa to a company which is a resident of Mauritius and which controls, directly or indirectly, at least 10 per cent of the capital, then the credit shall take into account the South African tax payable by the first-mentioned company. Treaty Article 22(1)(b) pertains to South Africa deduction, and that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". The OECD Model refers to "income" and "capital"; the Treaty Article 22(1) does not refer to "Capital".	UN Model 23B is the Credit method. Corresponding Treaty Article 22 provides methods of elimination: Treaty Article 22(1)(a) pertains to Mauritius, which provides for the credit method. Treaty Article 22(1) contains additional paragraphs not in the UN Model: (a)(ii) pertains to credits on dividends; (a)(iii) pertains dividends paid by a company resident of South Africa to a company which is a resident of Mauritius and which controls, directly or indirectly, at least 10 per cent of the capital, then the credit shall take into account the South African tax payable by the first-mentioned company. Treaty Article 22(1)(b) pertains to South Africa deduction, and that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income".
Mauritius	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Article 23(2) states that: "income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Treaty Article 22(2) states: "for the purposes of allowing South African tax as a credit in terms of subparagraph (a) of paragraph 1, the tax payable in South Africa shall be deemed to include the tax which is otherwise payable in South Africa but has been reduced or waived by South Africa in order to promote economic development".	UN Article 23(2) states that: "income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Treaty Article 22(2) states: "for the purposes of allowing South African tax as a credit in terms of subparagraph (a) of paragraph 1, the tax payable in South Africa shall be deemed to include the tax which is otherwise payable in South Africa but has been reduced or waived by South Africa in order to promote economic development".
Mauritius	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Mauritius	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.
Mauritius	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 23(2) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mauritius	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(3)	OECD Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State"; not in the Treaty Article 23(3).	UN Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State"; not in the Treaty Article 23(3).
Mauritius	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(4)	Corresponding Treaty Article 23(4) - No Deviations.	UN Model Article 24(5) -Treaty Article 23(4) - No Deviations.
Mauritius	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Mauritius, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points". This is not in OECD Article 24.	Treaty Article 23(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Mauritius, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points". This is not in UN Article 24.
Mauritius	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	Corresponding Treaty Article 23(6) - No Deviations.	UN Model Article 24(6) - Treaty Article 23(6) - No Deviations.
Mauritius	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 24(1) - Treaty Article 24(1) - No Deviations.
Mauritius	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 24(2) - Treaty Article 24(2) - No Deviations.
Mauritius	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 24(3) - No Deviations.
Mauritius	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives". Treaty Article 24(4) includes an additional sentence, not on OECD Model Article 25, which states: "When it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".	UN Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives", and includes the sentence:" The competent authorities, through consultations, may develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article". Treaty Article 24(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".
Mauritius	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	Article 24(5)	OECD Article 25(5) is an additional paragraph not in the Treaty Article 24, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc.	There is no such paragraph in the UN Model Article 25A, thus Treaty is in line with UN Model in this.
Mauritius	Exchange of information	Exchange of information	Article 26(1) to 26(5)	Article 25(1) to 25(5)	Corresponding Treaty Article 25(1) to 25(5)- No Deviations.	Corresponding Treaty Article 25(1) to 25(5)- No Deviations.
Mauritius	Exchange of information	Exchange of information	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 26(6) states: "The competent authorities shall, through consultation, develop appropriate methods and techniques concerning the matters in respect of which exchanges of information under paragraph 1 shall be made". This is not in Treaty Article 25.
Mauritius	Assistance in the collection of taxes	Assistance in the collection of taxes	Article 27	Article 26	Corresponding Treaty Article 26 - No Deviations.	UN Article 27 - Corresponding Treaty Article 26 - No Deviations.
Mauritius	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 27	Treaty Article 27 - No Deviations.	UN Model Article 28 -Treaty Article 27 - No Deviations.
Mauritius	N/A	Territorial extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Mauritius	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 29 - equivalent article Treaty Article 28. The Treaty has specific rules for the "Entry into Force".
Mauritius	Termination	Termination	Article 31	Article 29	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article 29 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 30 - equivalent Treaty Article 29 The treaty has specific rules for termination. The beginning of the Treaty Article 29 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 30 does not contain the phrase: "shall remain in force indefinitely".
Mozambique	Entry into force: 19 Feb. 2009 Conclusion date: 18 Sept. 2007				OECD Model 2005	UN Model 2001
Mozambique	Persons covered	Persons covered	Article 1	No Treaty Reference	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Mozambique	Taxes covered	Taxes covered	Article 2(1)	No Treaty Reference	Treaty Article 2 does not contain the OECD Article 2(1) paragraph.	Treaty Article 2 does not contain the UN Article 2(1) paragraph.
Mozambique	Taxes covered	Taxes covered	Article 2(2)	N/A	Treaty Article 2 does not contain the OECD Model Article 2(2) paragraph.	Treaty Article 2 does not contain the UN Model Article 2(2) paragraph.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	Taxes covered	Taxes covered	Article 2(3)	Article 2(1)	OECD Model - Article is for states to specify taxes. Corresponding Treaty Article 2(1) lists applicable taxes included for South Africa and Mozambique. Other than the standard taxes on income, Treaty Article 2(1)(b)(ii) includes "secondary tax on companies (SA).	UN Model - Article 2(3) is for states to specify taxes. Corresponding Treaty Article 2(1) lists applicable taxes included for South Africa and Mozambique. Other than the standard taxes on income, Treaty Article 2(1)(b)(ii) includes "secondary tax on companies (SA).
Mozambique	Taxes covered	Taxes covered	Article 2(4)	Article 2(2)	OECD Model Article last phrase: "made in their taxation laws"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".	UN Model Article last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".
Mozambique	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Mozambique" means the Republic of Mozambique; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Mozambique and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Mozambique" means the Republic of Mozambique; (b) the term "South Africa" means the Republic of South Africa. The treaty further defines Mozambique and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Mozambique	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	The term "Person" - corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Mozambique	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	OECD Model Article 3(1)(c) and Treaty Article 3(1)(g) states: "the term "enterprise" applies to the carrying on of any business", No Deviations.	Treaty Article 3(1)(g) states: "the term "enterprise" applies to the carrying on of any business"; this paragraph is not in UN Model Article 3(1).
Mozambique	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	The OECD Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "any transport by a ship, aircraft or rail or road transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".	UN Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "any transport by a ship, aircraft or rail or road transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".
Mozambique	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article 3(1)(g)(i) "National" includes the term "citizenship", not in Treaty Article 3(1)(j)(i); OECD Model Article 3(1)(g)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	UN Model Article 3(1)(j)(ii) "Legal Person" includes "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".
Mozambique	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	Corresponding Treaty Article 3(1)(d) defines the term "business"; no deviations.	Treaty Article 3(1)(d) states: the term "business" includes the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Mozambique	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Mozambique	Resident	Resident	Article 4(1)	Article 4(1)	OECD Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) omits the phrase: "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) omits the phrase: "or capital situated therein".
Mozambique	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Model includes the word "only" - "deemed to be a resident only of the State in which he has a permanent home"; and "he shall be deemed to be a resident only of the State with which his personal and economic relations are closer", whereas the Treaty Article 4(2)(a) replaces "only" with "solely".	UN Model Article 4(2)(a) includes the word "only" - "deemed to be a resident only of the State in which he has a permanent home"; and "he shall be deemed to be a resident only of the State with which his personal and economic relations are closer", whereas the Treaty Article 4(2)(a) replaces "only" with "solely".
Mozambique	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).
Mozambique	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".	UN Article 4(2)(c) contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".
Mozambique	Resident	Resident	Article 4(3)	Article 4(3)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".	UN Model Article 4(3) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	Paragraphs 5(2)(a) to 5(2)(e) of the OECD Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the OECD Model refers to the "place of extraction of natural resources" which corresponds to Treaty paragraph 5(2)(g) which states: "place of extraction or exploitation of natural resources". The Treaty also has additional paragraphs for permanent establishments: ("f) warehouse, in relation to a person providing storage facilities for others"; ("h) an installation or structure used for exploration for natural resources".	Paragraphs 5(2)(a) to 5(2)(e) of the UN Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the UN Model refers to the "place of extraction of natural resources" which corresponds to Treaty paragraph 5(2)(g) which states: "place of extraction or exploitation of natural resources". Treaty also has additional paragraphs for permanent establishments: ("f) warehouse, in relation to a person providing storage facilities for others"; ("h) an installation or structure used for exploration for natural resources".
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	Corresponding Treaty Article 5(3)(a) includes the terms: "any supervisory activity in connection with such site or project"; OECD Model Article 5(3) states: "constitutes a permanent establishment only if it lasts more than twelve months"; corresponding Treaty Article 5(3)(a) states: "activity continues for a period of more than six months".	UN Model Article 5(3)(a) corresponds Treaty Article 5(3)(a) - No Deviations.
Mozambique	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b) states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned." This is not in OECD Model.	UN Model 5(3)(b) states "aggregating more than six months"; Treaty Article 5(3)(b) states: " the aggregate 180 days".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c) states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned." This is not in OECD Model.	Treaty Article 5(3)(c) states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 180 days in any twelve-month period commencing or ending in the fiscal year concerned.." This is not in UN Model.
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5) initial paragraph and paragraph 5(a) are equivalent to Treaty Article 5. UN Model Article 5(5)(b) is an additional paragraph which states "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". Not in treaty.
Mozambique	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6) states: "notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies". This is not in Treaty Article 5.
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(6), which states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Mozambique	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(7) No Deviations.
Mozambique	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3) -Treaty Article 6(1)-6(3) No Deviations.
Mozambique	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Article 6(4) includes an additional phrase: "and to income from immovable property used for the performance of independent personal services". This is not in Treaty Article 6(4).
Mozambique	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1)(a) and 7(1)(a) correspond to Treaty Article 7(1). The UN Model 7(1) has additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; these are not in the Treaty Article 7.
Mozambique	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Mozambique	Business profits	Business profits	Article 7(3)	Article 7(3)	No Deviations.	UN Article 7(3) has an additional paragraph, which in summary states that there shall be no deduction allowed in payments to the head office, other than toward reimbursements. These deductions not allowed include royalties, commission for specific services, management, interest etc.
Mozambique	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Mozambique	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Mozambique	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Mozambique	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Mozambique	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management". Treaty Article also includes "rail or road transport vehicles".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management". Treaty Article also includes "rail or road transport vehicles".
Mozambique	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic; (b) profits derived from rental of rail or road transport vehicles used in international traffic; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". This is not in OECD Model Article 8(2).	Treaty Article 8(2) For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic; (b) profits derived from rental of rail or road transport vehicles used in international traffic; if such profits are incidental to the profits to which the provisions of paragraph 1 apply". This is not in UN Model Article 8(2).
Mozambique	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model states: "if the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat, then it shall be deemed to be situated in the Contracting State in which the home harbour of the ship or boat is situated, or, if there is no such home harbour, in the Contracting State of which the operator of the ship or boat is a resident". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Mozambique	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD Model article.	Treaty Article 8(3) states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model article.
Mozambique	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
Mozambique	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Mozambique	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Mozambique	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".
Mozambique	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Mozambique	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model Article 10(2): "if the beneficial owner is a resident of the other Contracting state then the tax charged shall not exceed (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends"; b) 15 per cent of the gross amount of the dividends in all other cases. Treaty Article 10(2)(a) limits the tax to 8 per cent, with the shareholding minimum is 25 per cent; (b) 15 per cent in all other cases.	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends". Treaty Article 10(2)(a) states: "at least 25 per cent of the capital" but "taxation shall not exceed 8 per cent". UN Model Article 10(2)(b) does not specify the percentage "in all other cases"; the Treaty Article 10(2)(b) states: "15 per cent in all other cases".
Mozambique	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".	UN Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".
Mozambique	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment". UN Model Article 10(4) references the provisions of Articles 7 and 14; whereas the Treaty refers to Article 7.
Mozambique	Dividends	Dividends	Article 10(5)	Article 10(5)	Treaty Article 10(5) No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
Mozambique	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Mozambique	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model Article limits the taxation to 10 per cent if the recipient of interest is the beneficial owner, whereas Treaty Article 11(2) limits the tax to 8 per cent. OECD Model Article has an additional phrase: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation" this is not in Treaty Article 11(2).	UN Model Article 11(2) does not specify the percentage of taxation, Treaty Article 11(2) limits tax to 8 per cent. UN Model Article has an additional phrase: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation" this is not in Treaty Article 11(2).
Mozambique	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "Interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by: (a) the Government, a political subdivision or a local authority of the other Contracting State; (b) any board, body or institution which is wholly owned by the Government, a political subdivision or a local authority of the other Contracting State; or (c) any bank which is a resident of the other Contracting State". This is not in the OECD Model Article 11.	Treaty Article 11(3) is an additional paragraph which states: "Interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by: (a) the Government, a political subdivision or a local authority of the other Contracting State; (b) any board, body or institution which is wholly owned by the Government, a political subdivision or a local authority of the other Contracting State; or (c) any bank which is a resident of the other Contracting State". This is not in the UN Model.
Mozambique	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	Interest	Interest	Article 11(4)	Article 11(5)	Treaty Article 11(5) - No Deviations.	UN Model Article 11(4)(a) includes a phrase, which is not in Treaty Article 11(5), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model 11(4)(a) refers to "permanent establishment or fixed base", whereas Treaty Article 11(5) only refers to "permanent establishment"; UN Model 11(4)(b) is an additional paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7", which is not in the Treaty.
Mozambique	Interest	Interest	Article 11(5)	Article 11(6)	Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(6) only refers to: "permanent establishment".
Mozambique	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.
Mozambique	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State". The Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations.
Mozambique	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: " however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the royalties".	UN Model Article 12(2) corresponds to Treaty Article 12(2). The UN Model does not specify the tax %, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 5 per cent of the gross amount of the royalties".
Mozambique	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes "the right to use, industrial, commercial or scientific equipment"; whereas Treaty Article 12(3) does not include this in the definition of Royalties.
Mozambique	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4)(a) includes a phrase, which is not in Treaty Article 12(4), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model 12(4)(a) refers to "permanent establishment or fixed base", whereas Treaty Article 12(4) only refers to "permanent establishment"; UN Model 12(4)(b) is an additional paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7" not in Treaty; UN Model Article (12)(4) references the provisions of Article 7 or Article 14; whereas Treaty Article 12(4) only references Article 7".
Mozambique	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated". There is no equivalent OECD Article.	UN Model Article 12(5) includes the phrase: "permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base"; whereas the phrase in Treaty Article 12(5) states: "a permanent establishment with which the right or property in respect with which the royalties are paid is effectively connected".
Mozambique	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Mozambique	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Mozambique	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) - includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty Model 13(2) only includes: "permanent establishment".
Mozambique	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".	UN Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".
Mozambique	Capital gains	Capital gains	Article 13(4)	Article 13(4)	OECD Article states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; whereas the Treaty Article 13(4) refers to "capital stock of a company the property of which consists directly or indirectly principally of immovable property"; i.e. no mention of "more than 50 per cent of their value".	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; (2) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
Mozambique	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) Is an additional paragraph, not in the Treaty, which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State".
Mozambique	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and Treaty also does not include Article 14 - Independent Personal Services.	UN Model Article 14 relates to "Independent Personal Services" which is not included in the Treaty.
Mozambique	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17, 18 and 19.	UN Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17, 18 and 19.
Mozambique	Income from employment	Income from employment	Article 15(2)	Article 14(2)	Corresponding Treaty Article 14(2) - Treaty Article 14(2)(a) refers to "aggregate 180 days"; whereas the OECD Article states: "aggregate 183 days". Treaty Article 14(2)(b) and (c) No Deviations.	Treaty Article 14(2)(a) refers to "aggregate 180 days"; whereas the UN Model Article 14(2)(a) states: "aggregate 183 days". UN Model Article 14(2)(c) includes "permanent establishment or a fixed base"; whereas the Treaty Article 14(2)(c) only refers to "permanent establishment".
Mozambique	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Article includes the phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the OECD Model Article.	UN Model Article 14(3) includes the phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Model Article 14(3) states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the UN Model Article.
Mozambique	Directors' fees	Directors' fees	Article 16	Article 15	Corresponding Treaty Article 15 - No Deviations.	UN Model Article 16(1)-Treaty Article 15 - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article 15.
Mozambique	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	OECD Article refers to the provisions of Articles 7 and 14; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.	UN Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.
Mozambique	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	OECD Model Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.
Mozambique	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 16(3)	Treaty Article 16(3) is an additional paragraph: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". This is not in OECD Model Article 17.	Treaty Article 16(3) is an additional paragraph: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". This is not in UN Model Article 17.
Mozambique	Pensions and annuities	Pensions	Article 18	Article 17(1)	The OECD Model states "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt. A) states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".
Mozambique	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	Treaty Article 17(2) is an additional paragraph: "Notwithstanding the provisions of paragraph 1, pensions and other similar payments made under the social security system of a Contracting State shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2) refers to: "pensions paid and other payments made under a public scheme which is part of the social security system"; whereas Treaty Article 17(2) "pensions and other similar payments made under the social security system".
Mozambique	Pensions and annuities	Pensions	No OECD Reference	Article 17(3)	Treaty Article 17(3) defines Annuities: "means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	Treaty Article 17(3) defines Annuities: "means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". UN Model Article 18 does not include this paragraph.
Mozambique	Government service	Government service	Article 19(1)	Article 18(1)	Corresponding Treaty Article 18(1)(a) includes an additional phrase: "other than a pension"; not in OECD Model.	UN Model Article 19(1)-Treaty Article 18(1) - No Deviations
Mozambique	Government service	Government service	Article 19(2)	Article 18(2)	Corresponding Treaty Article 18(2) - No Deviations.	UN Model Article 19(2) refers to "pension paid by or out of funds created"; whereas Treaty Article 18(2) refers to "pensions and other similar remuneration".
Mozambique	Government service	Government service	Article 19(3)	Article 18(3)	Corresponding Treaty Article 18(3) - No Deviations(other than numbering of articles referenced).	UN Model Article 19(3)-Treaty Article 18(3) - No Deviations (other than numbering of articles referenced).
Mozambique	Professors and teachers	N/A	No OECD Reference	Article 19	Treaty Article 19 - Professors and Teachers is not an Article in the OECD Model. Refers to professors and teachers temporarily visiting (not exceeding two years) another Contracting State, remuneration for teaching or research shall be exempt from tax in the first state, providing that such remuneration is paid in the other Contracting State, and taxed by the other Contracting State.	Treaty Article 19 - Professors and Teachers is not an Article in the UN Model. Refers to professors and teachers temporarily visiting (not exceeding two years) another Contracting State, remuneration for teaching or research shall be exempt from tax in the first state, providing that such remuneration is paid in the other Contracting State, and taxed by the other Contracting State.
Mozambique	Students, apprentices and business trainees	Students	Article 20	Article 20	OECD Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article 20(1) states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Mozambique	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Model Article 21(1) Treaty Article 21(1) - No Deviations.
Mozambique	Other income	Other income	Article 21(2)	Article 21(2)	No Deviations.	UN Model Article 21(2) includes the phrase: "or performs in that other State independent personal services from a fixed base situated therein", which is not in Treaty Article 12(2). UN Model refers to "permanent establishment or fixed base"; whereas Treaty only refers to "permanent establishment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	Other income	Other income	No OECD Reference	Article 21(3)	Treaty Article 21(3) states: "notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Convention and arising in the other Contracting State may also be taxed in that other State". This is not in the OECD Model Article 21.	UN Model Article 21(3) - Treaty Article 21(3) - No Deviations.
Mozambique	N/A	Capital	Article 22	No Treaty Reference	OECD Model Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Mozambique	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model Article 23(B) provides for the Credit Method, and Treaty Article 22 provides for the Credit Method for both South Africa and Mozambique. Treaty Article (Mozambique) 22(a)(i) includes: "Such deduction shall not, however, exceed that part of the tax on income, as computed before the deduction is given, which is attributable to the income which may be taxed in South Africa". Treaty Article 22(a)(ii) is applicable to dividend is distributed by a company resident of South Africa to a resident of Mozambique who controls at least 25 per cent of the capital, then the deduction in shall take into account the South African tax paid by the first-mentioned company on the portion of the profits out of which the dividend is paid. Treaty Article 21(b) (South Africa) includes: "Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income." Treaty Article does not refer to "capital;" where as OECD Model Article 23B includes "capital".	Treaty Article 22 provides for the Credit Method for both South Africa and Mozambique. Treaty Article (Mozambique) 22(a)(i) includes: "Such deduction shall not, however, exceed that part of the tax on income, as computed before the deduction is given, which is attributable to the income which may be taxed in South Africa". Treaty Article 22(a)(ii) is applicable to dividend is distributed by a company resident of South Africa to a resident of Mozambique who controls at least 25 per cent of the capital, then the deduction in shall take into account the South African tax paid by the first-mentioned company on the portion of the profits out of which the dividend is paid. Treaty Article 21(b) (South Africa) includes: "Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income." Treaty Article does not refer to "capital;" where as UN Model Article 23B includes "capital".
Mozambique	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Article 23B(2) refers to "exempted income, and that "such State may in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Treaty Article 22(2) states" an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Mozambique or South Africa", and "such schemes having been mutually agreed by the competent authorities of the Contracting States".	UN Article 23B(2) refers to "exempted income, and that "such State may in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Treaty Article 22(2) states" an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in Mozambique or South Africa", and "such schemes having been mutually agreed by the competent authorities of the Contracting States".
Mozambique	Non-discrimination	Non-discrimination	No OECD Reference	Article 22(3)	Treaty Article 22(3) is an additional paragraph which refers to grants given by a Contracting State to a resident of the other Contracting State in for the promotion of economic development in Mozambique or South Africa, and such schemes having been mutually agreed by the competent authorities, shall not be taxable in the other State.	Treaty Article 22(3) is an additional paragraph which refers to grants given by a Contracting State to a resident of the other Contracting State in for the promotion of economic development in Mozambique or South Africa, and such schemes having been mutually agreed by the competent authorities, shall not be taxable in the other State.
Mozambique	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Mozambique	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty Article 23.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 22 does not include this paragraph.
Mozambique	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 22(2) - No Deviations.
Mozambique	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(4)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Mozambique	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Mozambique, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points". Not in OECD Model Article 24.	Treaty Article 23(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Mozambique, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points". Not in UN Model Article 24.
Mozambique	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(3)	Corresponding Treaty Article 23(3) - No Deviations.	UN Model Article 24(5) -Treaty Article 23(3) - No Deviations.
Mozambique	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	Corresponding Treaty Article 23(6) - No Deviations.	UN Model Article 24(6) -Treaty Article 23(6) - No Deviations.
Mozambique	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 25(1) - Treaty Article 23(1) - No Deviations.
Mozambique	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 25(2) -Treaty Article 23(2) - No Deviations.
Mozambique	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 23(3) - No Deviations.
Mozambique	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Model Article includes the phrase: "including through a joint commission consisting of themselves or their representative"; which is not included in Treaty Article 24(4).	UN Model Article 25(4) includes the phrase: "including through a joint commission consisting of themselves or their representatives" and also includes an additional paragraph: "the competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". This is not corresponding Treaty Article 24(4).
Mozambique	Exchange of information	Exchange of information	Article 26(1)	Article 25(1)	Treaty Article 25(1)- first two sentences corresponds to OECD Model Article 26(1). The only difference is that the OECD Model refers to information "foreseeably relevant"; whereas the Treaty refers to information "as is necessary".	Entire UN Model Article 26(1) corresponds to entire Treaty Article 25(1); except UN Model has additional phrase: "in particular for the prevention of fraud or evasion of such taxes".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Mozambique	Exchange of information	Exchange of information	Article 26(2)	Article 25(1)	Corresponding Treaty Article 24(1) 3rd and 4th sentence corresponds to OECD Article 26(2), the only deviation is that the OECD Model includes the phrase: "or the oversight of the above".	Included in UN Model Article 26(1) above, No Deviations
Mozambique	Exchange of information	Exchange of information	Article 26(3)	Article 25(2)	Corresponding Treaty Article 25(2) - No Deviations.	UN Model Article 26(2) -Treaty Article 25(2) - No Deviations.
Mozambique	Exchange of information	Exchange of information	Article 26(4)	No Treaty Reference	OECD Model states: "if information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information". This paragraph is not included in Treaty Article 25.	No UN Model or Treaty Article.
Mozambique	Exchange of information	Exchange of information	Article 26(5)	No Treaty Reference	OECD Model states: "In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.". This is not included in Treaty Article 25.	No UN Model or Treaty Article.
Mozambique	Assistance in recovery	Assistance in the collection of taxes	Article 27(1)	Article 26(1)	OECD Model refers to "revenue claims" ; whereas Treaty Article 26(1) refers to "taxes referred to in Article 2". Treaty Article 26(1) also states: "to the extent permitted by their respective domestic law".	No UN Model equivalent for Treaty Article 26 "Assistance in Recovery".
Mozambique	Assistance in recovery	Assistance in the collection of taxes	Article 27 ctd	No Treaty Reference	OECD Model Article 27 has additional paragraphs: not in the Treaty (refer OECD Article paragraphs 27(3) - 27(8).	No UN Model equivalent for Treaty Article 26 "Assistance in Recovery".
Mozambique	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 27	Treaty Article 27 - No Deviations.	UN Model Article 27 -Treaty Article 27 - No Deviations.
Mozambique	N/A	Territorial extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Mozambique	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 30. The Treaty has specific rules for the "Entry into Force".
Mozambique	Termination	Termination	Article 31	Article 29	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 31. The treaty has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Namibia	Entry into force: 11 April 1999 Conclusion date: 18 May 1998				OECD Model 1996	UN Model 1980
Namibia	Personal scope	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Namibia	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies "taxes on income and on capital gains".	UN Model Article 2(1) applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies "taxes on income and on capital gains".
Namibia	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article includes: "taxes on capital"; whereas the Treaty Article 2(2) refers to "Capital Gains". OECD Model Article includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises". Not in Treaty Article 2(2).	UN Model Article includes: "taxes on capital"; whereas the Treaty Article 2(2) refers to "Capital Gains". UN Model Article includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises". Not in Treaty Article 2(2).
Namibia	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Namibia. Other than "income" taxes, Treaty Article 3(a)(iii) the petroleum income tax (Namibia) and Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Namibia. Other than "income" taxes, Treaty Article 3(a)(iii) the petroleum income tax (Namibia) and Treaty Article 2(3)(b)(ii) the secondary tax on companies (SA).
Namibia	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Article 2(4) has an additional phrase: "the end of each year"; this is not included in Treaty Article 2(4). Treaty also includes the term "significant changes"; whereas the OECD Model Article only includes the term "changes".	UN Article 2(4) has an additional phrase: "the end of each year"; this is not included in Treaty Article 2(4). Treaty Article 2(4) includes the term "significant changes"; whereas the UN Model Article only includes the term "changes".
Namibia	General definitions	General definitions	N/A	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Namibia" means the Republic of Namibia, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Namibia and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 28 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Namibia" means the Republic of Namibia, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Namibia and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Namibia	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(i)	"Person": Treaty Article 3(1)(i) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	"Person": Treaty Article 3(1)(i) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Namibia	General definitions	General definitions	Article 3(1)(d) (now 3(1)(e))	Article 3(1)(g)	International traffic: corresponding Treaty Article 3(1)(g) includes "Road transport vehicle".	The UN Model Article 3(1)(d) - Corresponding Treaty Article 3(1)(g) includes "Road transport vehicle".
Namibia	General definitions	General definitions	Article 3(1)(f)(ii)	Article 3(1)(h)(ii)	OECD Model Article 3(1)(f)(ii)- "legal person" includes the term "partnership"; whereas Treaty Article 3(1)(h)(ii) omits the term "partnership".	UN Model Article - No definition for "nationals" included in paragraph 3(1), refer Article 24(2) which defines "nationals". Deviation between the Treaty Article 3(1)(h)(i) and (ii) refers to "any" and the UN Model Article 24(2)(a) and (b) refers to "all"; also. UN Model Article 24(2)(b) includes "partnerships" which is not included in the Treaty definition.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) has an additional phrase: "any meaning under the applicable tax laws of that State prevailing over a meaning, given to the term under other laws of that State" - not in UN Model Article 3(2).
Namibia	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model Article 4(1) states: "For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof". Treaty Article 4(1) states: "For the purposes of this Agreement, the term "resident of a Contracting State" means any individual who is ordinarily resident in that State and any legal person which has its place of management in that State". The treaty does not contain the OECD second sentence: "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein".	UN Model Article 4(1) states: "For the purposes of this Convention, the term "resident of a Contracting State" means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature". Treaty Article 4(1) states: "For the purposes of this Agreement, the term "resident of a Contracting State" means any individual who is ordinarily resident in that State and any legal person which has its place of management in that State".
Namibia	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d).	No Deviations for paragraphs 4(2)(a) to 4(2)(d) .
Namibia	Resident	Resident	Article 4(3)	Article 4(3)	No Deviations.	No Deviations.
Namibia	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Namibia	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e)	Article 5(2)(a) - (e)	OECD Article paragraphs 5(2)(a) to (f) are the same as Treaty paragraphs 5(2)(a) to (f).	UN Article paragraphs 5(2)(a) to (f) are the same as Treaty paragraphs 5(2)(a) to (f).
Namibia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)	Treaty Article 5(2)(g) is an additional paragraph, not in OECD Model Article 5, which states: "(i) a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only where such site, project or activities continue for a period of more than six months; (ii) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods aggregating more than six months within any twelve-month period".	Treaty Article 5(2)(g) is an additional paragraph, not in UN Model Article 5, which states: "(i) a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only where such site, project or activities continue for a period of more than six months; (ii) the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods aggregating more than six months within any twelve-month period".
Namibia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(h)	Treaty Article 5(2)(h) is an additional paragraph, not in OECD Model Article 5, which states: "a guest farm or other operation of a similar nature".	Treaty Article 5(2)(h) is an additional paragraph, not in UN Model Article 5, which states: "a guest farm or other operation of a similar nature".
Namibia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(i)	Treaty Article 5(2)(i) is an additional paragraph, not in OECD Model Article 5, which states: "a warehouse, where storage facilities are provided to parties other than the enterprise".	Treaty Article 5(2)(i) is an additional paragraph, not in UN Model Article 5, which states: "a warehouse, where storage facilities are provided to parties other than the enterprise".
Namibia	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(2)(g)(i)	OECD Article 5(3) states: "a building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months". There is no article Treaty Article 5(3)(a). Refer Treaty Article 5(2)(g)(i) - which states: "a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only where such site, project or activities continue for a period of more than six months".	UN Model Article 5(3)(a) Treaty Article 5(2)(g)(i) - No Deviations.
Namibia	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)(ii)	Treaty Article 5(2)(g)(ii) states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods aggregating more than six months within any twelve-month period". This is not in the OECD Model.	UN Model Article 5(3)(b) states: "periods aggregating more than 183 days in any 12-month period commencing or ending in the fiscal year concerned"; whereas Treaty Article 5(2)(g)(ii) states: "periods aggregating more than six months within any twelve-month period", i.e. Treaty omits "commencing or ending in the fiscal year concerned".
Namibia	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(3)(a)-5(3)(d)	Corresponding Treaty Article 5(3)(a) - Article 5(3)(d) - No deviations.	Treaty Article 5(3)(a) and 5(3)(b) include the term "delivery"; UN Article 5(4)(a) and 5(4)(b) do not include "delivery". Treaty Article 5(3)(c) and 5(3)(d) - No deviations to UN Article 5(4)(c) and 5(4)(d).
Namibia	Permanent Establishment	Permanent Establishment	Article 5(4)(e)	Article 5(3)(e)	OECD Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character"; Treaty Article 5(3)(e) states: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise".	UN Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character"; Treaty Article 5(3)(e) states: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character, for the enterprise".
Namibia	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(3)(f)	Corresponding Treaty Article 5(3)(f) - No deviations.	Treaty Article 5(3)(f) is an additional paragraph not in UN Model Article 5(4).
Namibia	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(4)	OECD Article 5 corresponds to Treaty Article 5(4)(a), the OECD Article includes the phrase: "unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph". This is not in Treaty Article 5(4)(a).	UN Model Article 5(5) corresponds to Treaty Article 5(4)(a), but UN Model Article 5(5)(a) includes the phrase: "unless the activities of such person are limited to those mentioned in paragraph 4 which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph", which is not in Treaty Article 5(4)(a).
Namibia	Permanent Establishment	Permanent Establishment	Article 5(5) - ctd	Article 5(4)(b) and 5(4)(c)	Corresponding Treaty Article 5(4) includes additional paragraphs not in OECD Model: "(b) he or she maintains in the first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he or she regularly fills orders on behalf of the enterprise; or (c) he or she regularly secures orders in the first-mentioned State wholly or almost wholly for the enterprise".	UN Model Article 5(5)(b), states: "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". This is comparable to Treaty Articles: "(b) he or she maintains in the first-mentioned State a stock of goods or merchandise belonging to the enterprise from which he or she regularly fills orders on behalf of the enterprise; or (c) he or she regularly secures orders in the first-mentioned State wholly or almost wholly for the enterprise".
Namibia	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(5)	Corresponding Treaty Article 5(5) includes an additional sentence not in OECD Model: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, he or she will not be considered an agent of an independent status within the meaning of this paragraph".	UN Model Article 5(7) includes the phrase: "permanent establishment in the other Contracting State"; whereas Treaty Article 5(5) states: "permanent establishment in a Contracting State".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	Permanent Establishment	Permanent Establishment	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 5(6) in an additional paragraph, not in Treaty, which states: "Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Namibia	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(6)	Corresponding Treaty Article 5(6) No Deviations.	UN Model Article 5(8) - Treaty Article 5(6) No Deviations.
Namibia	Income from immovable property	Income from immovable property	Article 6(1) - 6(4)	Article 6(1) - 6(4)	No Deviations.	UN Article 6(1) - Treaty Article 6(1) No Deviations.
Namibia	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: (b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". these are not in Treaty Article 7(1).
Namibia	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Namibia	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) has an additional paragraph that is not in the OECD Model Article 7(3) which states: "However, no such deductions shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Treaty also has further limitations on payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations
Namibia	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Namibia	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Namibia	Business profits	Business profits	Article 7(6)	Article 7(6)	OECD Article states: "unless there is good and sufficient reason to the contrary", whereas Treaty Article states: "unless there is good reason to the contrary". Not a significant deviation.	UN Article 7(5) states: "unless there is good and sufficient reason to the contrary", whereas Treaty Article states: "unless there is good reason to the contrary". Not a significant deviation.
Namibia	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Namibia	Shipping, air and road transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) includes "road transport vehicles" and "the rental of containers and related equipment which is incidental to the operation of ships, aircraft or road transport vehicles" in the definition, which is not in OECD Model.	The Treaty Article 8(1) includes "road transport vehicles" and "the rental of containers and related equipment which is incidental to the operation of ships, aircraft or road transport vehicles" in the definition, which is not in UN Model Article 8(Alt A).
Namibia	Shipping, air and road transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Namibia	Shipping, air and road transport	Shipping, inland waterways transport and air transport	Article 8(3)	Article 8(2)	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph corresponds to Article 8(2) of the Treaty, except Treaty omits the phrase inland waterways transport enterprise".	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph corresponds to Article 8(2) of the Treaty, except Treaty omits the phrase inland waterways transport enterprise".
Namibia	Shipping, air and road transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) states: "If the place of effective management of a road transport enterprise cannot be determined, it shall be deemed to be situated in the Contracting State of which the operator of such road transport enterprise is a resident". No equivalent paragraph in OECD Model Article 8.	Treaty Article 8(3) "If the place of effective management of a road transport enterprise cannot be determined, it shall be deemed to be situated in the Contracting State of which the operator of such road transport enterprise is a resident". No equivalent paragraph in UN Model Article 8.
Namibia	Shipping, air and road transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Namibia	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Namibia	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Namibia	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State"; whereas Treaty Article 10(2) states: "but if the recipient is the beneficial owner of the dividends". Treaty aligned with the percentages of the OECD Model.	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "5 per cent of the gross amount of the dividends if the beneficial owner holds at least 25 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "15 per cent in all other cases".
Namibia	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Namibia	Dividends	Dividends	Article 10(4)	Article 10(4)	No deviations.	UN Model Article 10(4) - Treaty Article 10(4) - No deviations.
Namibia	Dividends	Dividends	Article 10(5)	Article 10(5)	No deviations.	UN Model Article 10(5)- Treaty Article 10(5) - No deviations.
Namibia	Interest	Interest	Article 11(1)	Article 11(1)	No deviations.	UN Model Article 11(1) Treaty Article 11(1)No Deviations.
Namibia	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model Article 11(2) includes the phrase: "but if the beneficial owner of the interest is a resident of the other Contracting State"; whereas Treaty Article 11(2) states: "but if the recipient is the beneficial owner of the interest". Treaty includes the same 10 per cent tax limitation. OECD Model includes the phrase: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation"; which is not included in Treaty Article 11(2).	UN Model Article 11(2) does not specify the percentage of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. The percentage shall be settled by mutual agreement. Treaty Article 11(2) limits the tax to 10 per cent if the beneficial owner is the recipient, but the Treaty does not contain any reference to "mutual agreement".
Namibia	Interest	Interest	Article 11(3)	Article 11(3)	No deviations.	UN Model Article 11(3) - Treaty Article 11(3) - No Deviations.
Namibia	Interest	Interest	Article 11(4)	Article 11(4)	No deviations.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(3), which states: "or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply".
Namibia	Interest	Interest	Article 11(5)	Article 11(5)	Treaty Article 11(5) includes a phrase: "when the payer is that State itself, a political subdivision, a local authority or a resident"; OECD Model only states: "when the payer is a resident".	UN Model Article 11(5) - Treaty Article 11(5) - No Deviations.
Namibia	Interest	Interest	Article 11(6)	Article 11(6)	No Deviations.	UN Model Article 11(6) -Treaty Article 11(6) - No Deviations.
Namibia	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State if such resident is the beneficial owner of the royalties"; Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations.
Namibia	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2) states: "However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the recipient who is a resident of the other Contracting State beneficially owns the royalties, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties". This paragraph is not in the OECD Model.	UN Model Article 12(2) permits the tax to be limited, but does not specify the limitation, but states that: "the percentage is to be established through bilateral negotiations".
Namibia	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting", and "right to use, industrial, commercial or scientific equipment". This is not included in OECD Model.	UN Model Article 12(3) - Treaty Article 12(3) - No Deviations.
Namibia	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". This is not in Treaty Article 12(4).
Namibia	Royalties	Royalties	Article 12(4)	Article 12(5)	Corresponding Treaty Article 12(5) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(5) - No Deviations.
Namibia	Royalties	Royalties	No OECD Reference	Article 12(6)	Treaty Article 12(6) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a regional or local authority or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated".	UN Model Article 12(5) -Treaty Article 12(6) - No Deviations.
Namibia	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Namibia	Capital gains	Capital gains	Article 13(2)	Article 13(2)	Treaty Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not OECD Model Article 13(2). Treaty Article 13(2) uses the term "permanent establishment or fixed base" whereas the OECD Model only includes: "permanent establishment".	UN Model Article 13(2) - Treaty Article 13(2) - No Deviations
Namibia	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). Treaty Article 13(3) includes "road transport vehicles", which is not in OECD Model.	UN Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). Treaty Article 13(3) includes "road transport vehicles", which is not in UN Model.
Namibia	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(4) states: "Gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State". Treaty Article 13 does not contain this paragraph.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ... per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". Treaty Article 13 does not contain this paragraph.
Namibia	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No deviations.	UN Article 13(6) -Treaty Article 13(4) - No Deviations.
Namibia	Independent personal services	Independent personal services	Article 14(1)	Article 14(1)	Treaty Article 14(1) includes additional sentence: "For the purposes of this Agreement, where an individual who is a resident of a Contracting State stays in the other Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the year of assessment concerned, he or she shall be deemed to have a fixed base regularly available to him or her in that other State and the income that is derived from his or her activities that are performed in that other State shall be attributable to that fixed base". This is not in OECD Model.	UN Model Article 14 includes additional paragraphs: "(b) If his stay in the other Contracting State is for a period or periods amounting to or exceeding in the aggregate 183 days in the fiscal year concerned; in that case, only so much of the income as is derived from his activities performed in that other State may be taxed in that other State; or (c) If the remuneration for his activities in the other Contracting State is paid by a resident of that Contracting State or is borne by a permanent establishment or a fixed base situated in that Contracting State and exceeds in the fiscal year ... (the amount is to be established through bilateral negotiations).
Namibia	Independent personal services	Independent personal services	Article 14(2)	Article 14(2)	No Deviations.	UN Model Article 14(2) -Treaty Article 14(2) - No Deviations.
Namibia	Dependent personal services	Dependent personal services	Article 15(1)	Article 15(1)	No deviations, except for references to other paragraphs in the Model and Treaty.	No deviations, except for references to other paragraphs in the Model and Treaty.
Namibia	Dependent personal services	Dependent personal services	Article 15(2)	Article 15(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 14(2) - Treaty Article 14(2) - No Deviations.
Namibia	Dependent personal services	Dependent personal services	Article 15(3)	Article 15(3)	OECD Model Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); Treaty Article 14(3) includes the terms "road transport vehicle", which is not in the OECD Model Article.	UN Model Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); Treaty Article 14(3) includes the terms "road transport vehicle", which is not in the UN Model Article.
Namibia	Directors' fees	Directors' fees	Article 16	Article 16	Corresponding Treaty Article 16(1) - No Deviations; Treaty Article 16(2) contains an additional paragraph: "The remuneration which a person to whom paragraph 1 applies derives from the company in respect of the discharge of functions as an employee, shall be taxed in accordance with the provisions of Article 14". Not in OECD Model.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State"; whereas Treaty Article 16(2) states: "The remuneration which a person to whom paragraph 1 applies derives from the company in respect of the discharge of functions as an employee, shall be taxed in accordance with the provisions of Article 14".
Namibia	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	OECD Model states: "income derived by a resident of a Contracting State as entertainer" and "activities as such exercised in the other Contracting State, may be taxed in that other State"; whereas Treaty Article 17(1) states: "income derived by entertainers" and "may be taxed in the Contracting State in which these activities are exercised". OECD Model refers to the provisions of Articles 14 and 15, whereas Treaty Article 17(1) refers to the provisions of Articles 7, 14 and 15.	UN Model states: "income derived by a resident of a Contracting State "as entertainer" and "activities as such exercised in the other Contracting State, may be taxed in that other State"; whereas Treaty Article 17(1) states: "income derived by entertainers" and "may be taxed in the Contracting State in which these activities are exercised". UN Model refers to the provisions of Articles 14 and 15, whereas Treaty Article 17(1) refers to the provisions of Articles 7, 14 and 15.
Namibia	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	No Deviations.	No Deviations.
Namibia	Pensions and annuities	Pensions	Article 18	Article 18(1)	OECD Model states: "subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State; whereas Treaty Article 18(1) states: "any pension (other than a pension of the kind referred to in paragraph 2 of Article 19) and any annuity, derived from sources within a Contracting State by an individual who is a resident of the other Contracting State and is subject to tax on the whole or portion thereof in the other State, shall be exempt from tax in the first-mentioned State to the extent that it is subject to tax in the other State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt. A) states: "subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State; whereas Treaty Article 18(1) states: "any pension (other than a pension of the kind referred to in paragraph 2 of Article 19) and any annuity, derived from sources within a Contracting State by an individual who is a resident of the other Contracting State and is subject to tax on the whole or portion thereof in the other State, shall be exempt from tax in the first-mentioned State to the extent that it is subject to tax in the other State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Namibia	Pensions and annuities	Pensions	No OECD Reference	Article 18(1)	Treaty Article 18(2) is an additional paragraph which states: "the term "annuity" as used in this Article means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration (other than services rendered)". There is no such paragraph in OECD Model Article 18.	Treaty Article 18(2) is an additional paragraph which states: "the term "annuity" as used in this Article means a stated sum payable periodically at stated times, during life or during a specified or ascertainable period of time, under an obligation to make the payments in return for adequate and full consideration (other than services rendered)". There is no such paragraph in UN Model Article 18.
Namibia	Pensions and annuities	Pensions	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 18(2) is an additional paragraph which states: "notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State or a political subdivision or a local authority thereof shall be taxable only in that State", this is not in Treaty Article 18.
Namibia	Government service	Government service	Article 19(1)	Article 19(1)	OECD Model Article 19(1)(a) states: "Salaries, wages and other similar remuneration, other than a pension", whereas Treaty Article 19(1) states: "remuneration (other than pensions) or out of funds created by". OECD Model further states "however, such salaries, wages or other remuneration shall be taxable only in the other Contracting State if the services are rendered in that State and the individual is a resident of that State who: (i) is a national of that State; or (ii) did not become a resident of that State solely for the purpose of rendering the services". Treaty states: "in the discharge of governmental functions shall be exempt from tax in the other Contracting State if the individual is not ordinarily resident in that other State or is ordinarily resident in that other State solely for the purpose of rendering those services"	UN Model Article 19(1)(a) states: "Remuneration, other than a pension", whereas Treaty Article 19(1) states: "remuneration (other than pensions) paid by, or out of funds created by, one of the Contracting States". UN Model Article 19(1)(b) states: " However, such remuneration shall be taxable only in the other Contracting State if the services are rendered in that other State and the individual is a resident of that State who: (i) Is a national of that State; or (ii) Did not become a resident of that State solely for the purpose of rendering the services"; whereas Treaty Article 19(1) states "in the discharge of governmental functions shall be exempt from tax in the other Contracting State if the individual is not ordinarily resident in that other State or is ordinarily resident in that other State solely for the purpose of rendering those services".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	Government service	Government service	Article 19(2)	Article 19(2)	OECD Article 19(2)(a) states: "shall be taxable only in that State"; whereas Treaty Article 19(2) states: "shall be exempt from tax in the other Contracting State in so far as the remuneration for those services was exempt in that other State under paragraph 1 of this Article or would have been so exempt if this Agreement had been in force when the remuneration was paid".	UN Model Article 19(2)(a) states: "shall be taxable only in that State"; whereas Treaty Article 19(2) states: "shall be exempt from tax in the other Contracting State in so far as the remuneration for those services was exempt in that other State under paragraph 1 of this Article or would have been so exempt if this Agreement had been in force when the remuneration was paid".
Namibia	Government service	Government service	Article 19(3)	Article 19(3)	OECD Model states: "the provisions of Articles 15, 16, 17 and 18 shall apply to remuneration and pensions in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof"; whereas Treaty Article 19(3) states: "The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States, a political subdivision or a regional or local authority thereof".	UN Model Article 19(3) states: "the provisions of Articles 15, 16, and 18 shall apply to remuneration and pensions in respect of services rendered in connection with a business carried on by a Contracting State or a political subdivision or a local authority thereof"; whereas Treaty Article 19(3) states: "The provisions of this Article shall not apply to payments in respect of services rendered in connection with any trade or business carried on by either of the Contracting States, a political subdivision or a regional or local authority thereof".
Namibia	Teachers	N/A	No OECD Reference	Article 20	Treaty Article 20 is an addition not in OECD Model, and relates to "Teachers". Treaty Article 20 states: "Notwithstanding the provisions of Article 14, a teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by him or her from outside that State and such remuneration is subject to tax in the other State".	Treaty Article 20 is an addition not in UN Model, and relates to "Teachers". Treaty Article 20 states: "Notwithstanding the provisions of Article 14, a teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by him or her from outside that State and such remuneration is subject to tax in the other State".
Namibia	Students, trainees and apprentices	Students	Article 20	Article 21	OECD Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article 20(1) states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result). UN Model Article 20(2) is an additional paragraph which refers to "grants, scholarships and remuneration from employment not covered by paragraph 1", this is not in Treaty Article 21.
Namibia	Other income	Other income	Article 21(1)	Article 22(1)	OECD Model Article 21(1) states "items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State"; whereas Treaty Article 22(1) states: "items of income not dealt with in the foregoing Articles of this Agreement shall be taxable only in the Contracting State in which they arise".	UN Model Article 21(1) states "items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State"; whereas Treaty Article 22(1) states: "items of income not dealt with in the foregoing Articles of this Agreement shall be taxable only in the Contracting State in which they arise".
Namibia	Other income	Other income	Article 21(2)	Article 22(2)	OECD Model includes the phrase: "other than income from immovable property as defined in paragraph 2 of Article 6"; which is not included in Treaty Article 22(2).	UN Model Article 21(2) includes the phrase: "other than income from immovable property as defined in paragraph 2 of Article 6"; which is not included in Treaty Article 22(2).
Namibia	N/A	Other income	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 21(3) is an additional paragraph which states: "notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing articles of this Convention and arising in the other Contracting State may also be taxed in that other State". This is not included in Treaty Article 22.
Namibia	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Namibia	Elimination of double taxation	23B Credit method	Article 23(1)	Article 23(1)	OECD Model Article 23B is the Credit Method, and Treaty Article 23 provides for the Credit Method for Namibia and South Africa. The OECD Model Article 23B(1) refers to: "derives income or owns capital"; whereas Treaty Article 23 refers to "income or capital gains".	UN Model Article 23B is the Credit Method, and Treaty Article 23 provides for the Credit Method for Namibia and South Africa. The UN Model Article 23B(1) refers to: "derives income or owns capital"; whereas Treaty Article 23 refers to "income or capital gains".
Namibia	Elimination of double taxation	23B Credit method	Article 23(2)	Article 23(2)	OECD Model Article 23(2) is an additional paragraph not in the Treaty Article 23, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23(2) is an additional paragraph not in the Treaty Article 23, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
Namibia	Non-discrimination	Non-discrimination	Article 24(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 24(1) - Treaty Article 23(1) - No Deviations.
Namibia	Non-discrimination	Non-discrimination	Refer Definitions	Refer Definitions	OECD and Treaty define "National" in Article 3(1).	UN Model Article 24(2) defines Nationals: a) all individuals possessing the nationality of a Contracting State; b) All legal persons, partnerships and associations deriving their status as such from the laws in force in a Contracting State". Refer Treaty Article 3(1)(h).
Namibia	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Model pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.	UN Model Article 24(3) pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.
Namibia	Non-discrimination	Non-discrimination	Article 24(3)	Article 24(2)	OECD Model contains an additional sentence: "This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents". This is not included in Treaty Article 24(2), but is a separate paragraph - Treaty Article 24(4), No Deviations.	UN Model Article 24(4) - contains an additional sentence: "This provision shall not be construed as obliging a Contracting State to grant to residents of the other Contracting State any personal allowances, reliefs and reductions for taxation purposes on account of civil status or family responsibilities which it grants to its own residents". This is not included in Treaty Article 24(2), but is a separate paragraph Treaty Article 24(4), No Deviations.
Namibia	Non-discrimination	Non-discrimination	Article 24(4)	No Treaty Reference	OECD Model states: "Except where the provisions of paragraph 1 of article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12, apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first- mentioned State". This is not in Treaty Article 24.	UN Model Article 24(5) states: "Except where the provisions of paragraph 1 of article 9, paragraph 6 of article 11, or paragraph 6 of article 12 apply, interest, royalties and other disbursements paid by an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable profits of such enterprise, be deductible under the same conditions as if they had been paid to a resident of the first-mentioned State. Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first- mentioned State". This is not in Treaty Article 24.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Namibia	Non-discrimination	Non-discrimination	Article 24(5)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 24(6) -Treaty Article 23(3) - No Deviations.
Namibia	Non-discrimination	Non-discrimination	Article 24(6)	Article 24(5)	OECD Model states: "The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description"; whereas Treaty Article 24(5) states: "in this Article the term "taxation" means taxes which are the subject of this Agreement".	UN Model Article 24(7) states: "the provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description"; whereas Treaty Article 24(5) states: "in this Article the term "taxation" means taxes which are the subject of this Agreement".
Namibia	Mutual agreement procedure	Mutual agreement procedure	Article 25(1) - 25(3)	Article 25(1) - 25(3)	No Deviations.	UN Model Article 25(1) to 25(3) - Treaty Article 25(1) to 25(3) - No Deviations.
Namibia	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 25(4)	OECD Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives". Treaty Article 25(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".	UN Model Article 25(4) includes an additional phrase which states: "the competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure"; whereas Treaty Article 25(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".
Namibia	Exchange of information	Exchange of information	Article 26(1) to 26(2)	Article 26(1) to 26(2)	Corresponding Treaty Article 26(1) to 26(2)- No Deviations.	UN Model Article 26(1) includes the phrase: "in particular for the prevention of fraud or evasion of such taxes" which is not included in Treaty Article 26(1). UN Model Article 26(1) also includes the phrase: "However, if the information is originally regarded as secret in the transmitting State"; whereas Treaty Article 26(1) states: "shall be treated as secret in the same manner as information obtained under the domestic law of that State"; UN Model Article 26(1) also includes the phrase: "the competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance" which is not included in Treaty Article 26(1).
Namibia	Assistance in Recovery	N/A	No OECD Reference	Article 27	Treaty Article 27 "Assistance in Recovery" No equivalent in the OECD Model (1996).	Treaty Article 27 "Assistance in Recovery" No equivalent in the UN Model.
Namibia	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 27	Article 28	Treaty Article 28 refers to "members of diplomatic missions or consular posts"; whereas OECD Article 27 refers to: "diplomatic agents or consular officers".	Treaty Article 28 refers to "members of diplomatic missions or consular posts"; whereas UN Article 27 refers to: "diplomatic agents or consular officers".
Namibia	N/A	Territorial Extension	Article 28	N/A	OECD Article 28 - Territorial Extension - No Treaty equivalent - but refer Treaty Article 3(1)(a) and 3(1)(b) define the Contracting States geographical scope.	No UN Model equivalent for Territorial Extension, nor in Treaty, but refer Treaty Article 3(1)(a) and 3(1)(b) define the Contracting States geographical scope.
Namibia	Entry into force	Entry into force	Article 29	Article 29	Treaty Article 29 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 29. The Treaty has specific rules for the "Entry into Force".
Namibia	Termination	Termination	Article 30	Article 30	Treaty Article 30 has specific rules for termination. The beginning of the Treaty Article 30 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 30. The treaty has specific rules for termination. The beginning of the Treaty Article 30 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Nigeria	Entry into force: 5 July 2008 Conclusion date: 29 April 2000				OECD Model 1998	UN Model 1980
Nigeria	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Nigeria	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model applies to: "taxes on income and capital imposed", whereas Treaty Article 2(1) applies to taxes on income and on capital gains".	UN Model Article 2(1) "taxes on income and capital imposed", whereas Treaty Article 2(1) applies to taxes on income and on capital gains".
Nigeria	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model refers to: "capital imposed"; Treaty Article 2(2) refers to "capital gains". OECD Model includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model Article 2(2) refers to: "capital imposed"; Treaty Article 2(2) refers to "capital gains". UN Model Article includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Nigeria	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Nigeria. Other than "income" taxes; Treaty Article 3(a) includes (iii) the petroleum profits tax; (iv) the capital gains tax; and (v) education tax (Nigeria); and Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Nigeria. Other than "income" taxes; Treaty Article 3(a) includes (iii) the petroleum profits tax; (iv) the capital gains tax; and (v) education tax (Nigeria); and Article 2(3)(b)(ii) the secondary tax on companies (SA).
Nigeria	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Article last phrase: "in their taxation laws"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws".	UN Model Article 2(4) last phrase: "in their taxation law"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws".
Nigeria	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Nigeria" means the Federal Republic of Nigeria, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Nigeria and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 28 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Nigeria" means the Federal Republic of Nigeria, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Nigeria, and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Nigeria	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(i)	Definition for "Person" - Treaty Article 3(1)(I) includes an additional phrase: "treated as an entity under the taxation laws in force in each Contracting State"; which is not in the OECD Model Article 3(1)(a).	Definition for "Person" - Treaty Article 3(1)(i) includes an additional phrase: "treated as an entity under the taxation laws in force in each Contracting State"; which is not in the UN Model Article 3(1)(a).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	General definitions	General definitions	Article 3(1)(c)	No Treaty Reference	OECD Model defines the term "enterprise"; whereas the Treaty Article 3(1) does not define "enterprise".	UN Model Article 3(1) and Treaty Article 3(1) do not define the term "Enterprise".
Nigeria	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(g)	International Traffic definition - OECD Article 3(1)(e) states: "an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(g) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	The UN Model Article 3(1)(d) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(e) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Nigeria	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(h)	Definition of National: Treaty Article 3(1)(h)(i) includes the term "citizenship"; whereas OECD Model Article 3(1)(g)(i) omits the term "citizenship". Legal Person: OECD Model Article 3(1)(g)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(h)(ii) omits the term "partnership".	Treaty Article 3(1)(h)(i) includes the term "citizenship". UN Model Article 3(1) does not define the term "national", however UN Model defines "nationals" in Article 24(2)(a) which does not include the word "citizenship". UN Model Article 24(2)(b) includes the phrase "partnerships" for legal persons, whereas Treaty Article 3(1)(h)(ii) omits the term "partnership".
Nigeria	General definitions	General definitions	Article 3(1)(h)	No Treaty Reference	OECD Model defines the term "business" whereas the Treaty Article 3(1) does not define "business".	UN Model 3(1) and Treaty Article 3(1) do not define the term "business".
Nigeria	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) includes the phrase: "any meaning under the applicable tax laws of that State prevailing over a meaning given to the term under other laws of that State"; this is not included in UN Model Article 3(2).
Nigeria	Resident	Resident	Article 4(1)	Article 4(1)	Treaty Article 4(1)(a) pertains to Nigeria, and includes the term: place of incorporation"; and states that the term resident "does not include any person who is liable to tax in Nigeria in respect only of income or capital gains from sources in Nigeria"; and Treaty Article 4(1)(b) pertains to South Africa, and includes the phrase: "any individual who is ordinarily resident in South Africa". The OECD Article states: "the term 'resident of a Contracting State' means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature". The OECD Model further states: "this term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein. - not in Treaty Article 4(1).	Treaty Article 4(1)(a) pertains to Nigeria, and includes the term: place of incorporation"; and states that the term resident "does not include any person who is liable to tax in Nigeria in respect only of income or capital gains from sources in Nigeria"; Treaty Article 4(1)(b) pertains to South Africa, and includes the phrase "any individual who is ordinarily resident in South Africa". UN Article 4(1) states: "the term 'resident of a Contracting State' means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature".
Nigeria	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d).	No Deviations for paragraphs 4(2)(a) to 4(2)(d).
Nigeria	Resident	Resident	Article 4(3)	Article 4(3)	For persons other than individual, the OECD Model states: "then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article 4(3) states: "the competent authorities of the States shall settle the question by mutual agreement and determine the mode of application of the Agreement to such person".	For persons other than individual, the UN Model Article 4(3) states: "then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article 4(3) states: "the competent authorities of the States shall settle the question by mutual agreement and determine the mode of application of the Agreement to such person".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e)	Article 5(2)(a) - (e)	OECD Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).	UN Model Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(2)(f)	Article 5(2)(f)	OECD Model Article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources".	UN Model Article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months; corresponding Treaty Article 5(3)(a) states: "a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) Treaty Article 5(3)(a) - No Deviations
Nigeria	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services, "including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) states: "periods more than six months within any 12-month period."; whereas Treaty Article 5(3)(b) states: "for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a) and 5(4)(b)	No Deviations.	Treaty Article 5(4)(a) and 5(4)(b) include the term "delivery"; UN Article 5(4)(a) and 5(4)(b) does not include "delivery".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(4)(c)	Article 5(4)(c) - 5(4)(e)	No Deviations.	UN Article 5(4)(c) - 5(4)(e) Treaty Article 5(4)(c) - 5(4)(e) - No Deviations
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(4)(f)	No Deviations.	UN Article 5(4) does not contain the paragraph, Treaty Article 5(4)(f) states: "the maintenance of a fixed place of business solely for any combination of activities mentioned in subparagraphs (a) to (e), provided that the overall activity of the fixed place of business resulting from this combination is of a preparatory or auxiliary character".
Nigeria	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(5)	Treaty Article 5(5) is an additional paragraph which states: "The term 'permanent establishment' shall include a fixed place of business used as a sales outlet notwithstanding the fact that such fixed place of business is otherwise maintained for any of the activities mentioned in paragraph 4 of this Article". This is not in OECD Model Article 5.	Treaty Article 5(5) is an additional paragraph which states: "The term 'permanent establishment' shall include a fixed place of business used as a sales outlet notwithstanding the fact that such fixed place of business is otherwise maintained for any of the activities mentioned in paragraph 4 of this Article". This is not in UN Model Article 5.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(6)	OECD Model Article 5(5) corresponds to Treaty Article 5(6)(a); OECD Model Article 5(5) begins with: "Notwithstanding the provisions of paragraphs 1 and 2" which is not included in Treaty Article 5(6)(a), and OECD Model also includes the phrase: "if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph", also not in Treaty. Treaty Article 5(6)(b) is an additional paragraph which states: "habitually secures orders for the sales of goods or merchandise in that State exclusively or almost exclusively on behalf of the enterprise or other enterprises controlled by it or which have a controlling interest in it". This is not in the OECD Model Article 5(5).	UN Model Article 5(5) begins with: "Notwithstanding the provisions of paragraphs 1 and 2" which is not included in Treaty Article 5(6). UN Model Article 5(5)(a) includes an additional phrase not in Treaty Article 5(6)(a) which states: "which, if exercised through a fixed place of business, would not make this fixed place of business a permanent establishment under the provisions of that paragraph". UN Model Article 5(5)(b) states: "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise"; whereas Treaty Article 5(6)(b) states: "habitually secures orders for the sales of goods or merchandise in that State exclusively or almost exclusively on behalf of the enterprise or other enterprises controlled by it or which have a controlling interest in it".
Nigeria	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6)"Notwithstanding the preceding provisions of this article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(7)	Corresponding Treaty Article 5(7) - No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(7), which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, he will not be considered an agent of an independent status within the meaning of this paragraph".
Nigeria	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Corresponding Treaty Article 5(8) - No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Nigeria	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	UN Article 6(1) - Treaty Article 6(1) No Deviations.
Nigeria	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	OECD Model Article 6(2) also excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.	UN Model Article 6(2) excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.
Nigeria	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Model Article 6(3) - Treaty Article 6(3) No Deviations.
Nigeria	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	Treaty Article 6(4) includes the phrase: "and to income from immovable property used for the performance of independent personal services".	UN Model Article 6(4) - Treaty Article 6(4) No Deviations
Nigeria	Business profits	Business profits	Article 7(1)	Article 7(1)	Treaty Article 7(1) includes an additional sentence: "However, profits derived from the sale of goods or merchandise of the same or similar kind as those sold, or from other business activities of the same or similar kind as those effected, through that permanent establishment may be considered attributable to that permanent establishment if it is established that such sales or activities were structured in a manner intended to avoid taxation in the State where the permanent establishment is situated". This is not in the OECD Model.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". Treaty Article 7(1) states: "profits derived from the sale of goods or merchandise of the same or similar kind as those sold, or from other business activities of the same or similar kind as those effected, through that permanent establishment may be considered attributable to that permanent establishment if it is established that such sales or activities were structured in a manner intended to avoid taxation in the State where the permanent establishment is situated".
Nigeria	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Nigeria	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) includes an additional paragraph, not in the OECD Model, which states: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Treaty also has further limitations on payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations
Nigeria	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Nigeria	Business profits	Business profits	Article 7(5)	Article 7(5)	Treaty Article 7(5) includes an additional paragraph, not in OECD Article 7, which states: "Provided that where that permanent establishment is also used as a sales outlet for the goods or merchandise so purchased the profits on such sales may be attributed to that permanent establishment".	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "(NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations.)" - this is not in Treaty Article 7.
Nigeria	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Nigeria	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Nigeria	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1)(Alt A) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Nigeria		Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph, not in OECD Model, which states: "one of the Contracting States. In such a case, the tax charged shall not exceed 1 per cent of the earnings of the enterprise derived from the other Contracting State. For the purposes of this paragraph "earnings" means total takings less commissions paid to sales agents, arising from the carriage of passengers, mail," livestock or goods loaded or shipped in the other State less refunds and payments of wages and salaries of ground staff.	Treaty Article 8(2) is an additional paragraph, not in UN Model, which states: "one of the Contracting States. In such a case, the tax charged shall not exceed 1 per cent of the earnings of the enterprise derived from the other Contracting State. For the purposes of this paragraph "earnings" means total takings less commissions paid to sales agents, arising from the carriage of passengers, mail," livestock or goods loaded or shipped in the other State less refunds and payments of wages and salaries of ground staff. This is not in UN Model Article 8 AltA. However UN Model Article 8 AltB does refer to "activities are more than casual, such profits may be taxed in that other State. The profits to be taxed in that other State shall be determined on the basis of an appropriate allocation of the overall net profits derived by the enterprise from its shipping operations. The tax computed in accordance with such allocation shall then be reduced by ... per cent. (The percentage is to be established through bilateral negotiations.)
Nigeria	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Nigeria	Shipping and Air Transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) is an additional paragraph which states: "For the purpose of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers. If such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent in OECD Model Article 8.	Treaty Article 8(3) is an additional paragraph which states: "For the purpose of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers. If such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent in UN Model Article 8.
Nigeria	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
Nigeria	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Nigeria	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Nigeria	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Nigeria	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "(a) if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 7.5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital; and (b) 10 per cent in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "7.5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "10 per cent in all other cases".
Nigeria	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Nigeria	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in OECD Model Article 10(4); and Treaty Article 10(4) refers to: "such permanent establishment or fixed base; whereas OECD Model only refers to "permanent establishment".	UN Model Article 10(4) - Treaty Article 10(4) - No Deviations.
Nigeria	Dividends	Dividends	Article 10(5)	Article 10(5)	Treaty Article 10(5) refers to: "permanent establishment or fixed base; whereas OECD Model only refers to "permanent establishment".	UN Model Article 10(5) - Treaty Article 10(5) - No Deviations.
Nigeria	Dividends	Dividends	No OECD Reference	Article 10(6)	Treaty Article 10(6) is an additional paragraph not in the OECD Model; which states: "The provisions of this Article shall not apply if the right giving rise to the dividend was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".	Treaty Article 10(6) is an additional paragraph not in the UN Model; which states: "The provisions of this Article shall not apply if the right giving rise to the dividend was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".
Nigeria	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Nigeria	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model Article 11(2) states that if the beneficial owner is a resident of the other contracting state, then "the tax so charged shall not exceed 10 per cent of the gross amount of the interest"; whereas the Treaty Article states: "the tax so charged shall not exceed 7.5 per cent of the gross amount of the interest".	UN Model Article 11(2) does not specify the percentage of taxation, but does allow for a tax limitation if the resident is beneficial owner of the interest. whereas the Treaty Article states: "the tax so charged shall not exceed 7.5 per cent of the gross amount of the interest".
Nigeria	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph not in OECD Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Central Bank of Nigeria, the South African Reserve Bank or any agency or instrumentality of that Government or subdivision or authority".	Treaty Article 11(3) is an additional paragraph not in UN Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof, the Central Bank of Nigeria, the South African Reserve Bank or any agency or instrumentality of that Government or subdivision or authority".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.
Nigeria	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) states that "The provisions of paragraph 1, 2 and 3 shall not apply"; whereas the OECD Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". Treaty Article 11(5) includes the phrase: "or performs in that other State independent personal services from a fixed base situated therein" which is not in OECD Model. Treaty Article 11(5) includes the phrase: "permanent establishment or fixed base" whereas OECD Model refers only to "permanent establishment".	UN Model Article 11(4) includes the phrase: "or with (b) business activities referred to under (c) of paragraph 1 of article 7" which is not in Corresponding Treaty Article 11(5). Treaty Article 11(5) states that "the provisions of paragraph 1, 2 and 3 shall not apply"; whereas the UN Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply".
Nigeria	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) includes the phrase: "permanent establishment or fixed base" whereas OECD Model refers only to "permanent establishment".	UN Model Article 11(5) - Treaty Article 11(6) no Deviations.
Nigeria	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.
Nigeria	Interest	Interest	No OECD Reference	Article 11(8)	Treaty Article 11(8) is an additional paragraph, not in OECD Model, which states: "The provisions of this Article shall not apply if the right or property giving rise to the interest was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".	Treaty Article 11(8) is an additional paragraph, not in UN Model, which states: "The provisions of this Article shall not apply if the right or property giving rise to the interest was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".
Nigeria	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State"; Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviations.
Nigeria	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2) includes the phrase, not in OECD Model, that states: "However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 7,5 per cent of the gross amount of the royalties".	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation, but states: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation". Treaty Article 12(2) states: "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 7,5 per cent of the gross amount of the royalties".
Nigeria	Royalties	Royalties	Article 12(2)	Article 12(3)	Corresponding Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting" and "or for the use of, or the right to use, industrial, commercial or scientific equipment "; these are terms are not in the OECD Model Article.	UN Model Article 12(3) - Treaty Article 12(3) - No Deviations.
Nigeria	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) contains additional phrase: "or performs in that other State independent personal services from a fixed base situated therein", which is not in OECD Model Article. Treaty Article 12(4) includes the phrase: "permanent establishment or fixed base" whereas OECD Model Article 12(3) refers only to "permanent establishment". Treaty Article 12(4) refers to "provisions Articles 7 and 14", whereas OECD Model Article 12(3) refers only to Article 7".	UN Model Article 12(4) includes additional paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of article 7". Treaty Article 12(3) does not this paragraph.
Nigeria	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated".	UN Model Article 12(5) includes the phrase "when the payer is that State itself, a political subdivision, a local authority or a resident of that State"; whereas Treaty Article 12(5) only includes the phrase: "when the payer is a resident".
Nigeria	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Nigeria	Royalties	Royalties	No OECD Reference	Article 12(7)	Treaty Article 12(7) is not in the OECD Model and states: "the provisions of this Article shall not apply if the right or property giving rise to the royalties was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".	Treaty Article 12(7) is not in the UN Model and states: "the provisions of this Article shall not apply if the right or property giving rise to the royalties was created or assigned mainly for the purpose of taking advantage of this Article and not for bona fide commercial reasons".
Nigeria	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Nigeria	Capital gains	Capital gains	Article 13(2)	Article 13(2)	Treaty Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not OECD Model Article 13(2). Treaty Article 13(2) uses the term "permanent establishment or fixed base" whereas the OECD Model only includes: "permanent establishment".	UN Model Article 13(2) - Treaty Article 13(2) - No Deviations.
Nigeria	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways" ; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".
Nigeria	Capital gains	Capital gains	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 13(4) states: "Gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State". The Treaty Article 13 does not contain this paragraph.
Nigeria	Capital gains	Capital gains	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ... per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty Article 13 does not contain this paragraph.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	UN Article 13(6) -Treaty Article 13(4) - No Deviations.
Nigeria	Independent personal services	Independent personal services	Article 14	Article 14	Deleted in OECD Model, but the Treaty does include the Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which has been deleted from OECD Model, but the Treaty includes the Article on "Independent Personal Services". UN Model Article 14(1)(a) and (b) equate to Treaty Model Article 14(1). The UN Model Article 14(1)(c) is an additional paragraph which states: "if the remuneration for his activities in the other Contracting State is paid by a resident of that Contracting State or is borne by a permanent establishment or a fixed base situated in that Contracting State and exceeds in the fiscal year ... (the amount is to be established through bilateral negotiations)". This is not in Treaty Article 14(1).
Nigeria	Dependent Personal Services	Income from employment	Article 14(1)	Article 14(1)	OECD Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 16, 17, 18 and 19.	UN Model Article 14(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 16, 17, 18 and 19.
Nigeria	Dependent personal services	Income from employment	Article 14(2)	Article 14(2)	Treaty Article 14(2)(c) includes phrase "permanent establishment or fixed base"; whereas OECD Model Article 14(2)(c) only refers to "permanent establishment".	UN Model Article 14(2) - Treaty Article 14(2) - No Deviations.
Nigeria	Dependent personal services	Income from employment	Article 14(3)	Article 14(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3). OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 14(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Nigeria	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.
Nigeria	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	OECD Model Article 17(1) refers to the provisions of Articles 7 and 14; whereas the Treaty Article 17 (1) refers to the provisions of Articles 7, 14 and 15.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, 14 and 15.
Nigeria	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	OECD Model Article 17(2) refers to the provisions of Articles 7 and 14; whereas the Treaty Article 17 (2) refers to the provisions of Articles 7, 14 and 14.	UN Model Article 17(2) - Treaty Article 17(2) - No Deviations
Nigeria	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 17(3)	Treaty Article 17(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in OECD Model Article 17.	Treaty Article 17(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in UN Model Article 17.
Nigeria	Pensions and annuities	Pensions	Article 18	Article 18	OECD Model refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt. A) refers to "pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Nigeria	Pensions and annuities	Pensions	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; this is not included in Treaty Article 18.
Nigeria	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) defines "Annuities": "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in the OECD Model.	Treaty Article 18(2) defines "Annuities": "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in the UN Model.
Nigeria	Government service	Government service	Article 19(1)	Article 19(1)	No Deviations.	UN Model Article 19(1)(a) uses the term "remuneration"; where as Treaty Article 19(1)(a) states: "salaries, wages and other similar remuneration".
Nigeria	Government service	Government service	Article 19(2)	Article 19(2)	No Deviations.	UN Model Article 19(2) - Treaty 19(2) - No Deviations.
Nigeria	Government service	Government service	Article 19(3)	Article 19(3)	No Deviations.	Treaty Article 19(3) refers to "salaries, wages and other similar remuneration"; UN Model Article 19(3) only refers to "remuneration.
Nigeria	Students and apprentices	Students	Article 20	Article 20(1)	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20(1) states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article 20(1) states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20(1) states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Students and apprentices	Students	No OECD Reference	Article 20(2)	Treaty Article 20(2) is an additional paragraph no on OECD Model: "an individual who, immediately before visiting a Contracting State, is or was a resident of the other Contracting State and who is temporarily present in the first-mentioned State primarily for the purpose of study, research or training as a recipient of a grant, allowance or award from a scientific, educational, religious or charitable organisation or under a technical assistance programme entered into by the Government of either Contracting State shall, from the date of his arrival in the first-mentioned State in connection with that visit, be exempt from tax in that State in respect of such grant, allowance or award".	UN Model Article 20(2) states: "in respect of grants, scholarships and remuneration from employment not covered by paragraph 1, a student or business apprentice described in paragraph 1 shall, in addition, be entitled during such education or training to the same exemptions, reliefs or reductions in respect of taxes available to residents of the State which he is visiting."; whereas Treaty Article 20(2) states: "An individual who, immediately before visiting a Contracting State, is or was a resident of the other Contracting State and who is temporarily present in the first-mentioned State primarily for the purpose of study, research or training as a recipient of a grant, allowance or award from a scientific, educational, religious or charitable organisation or under a technical assistance programme entered into by the Government of either Contracting State shall, from the date of his arrival in the first-mentioned State in connection with that visit, be exempt from tax in that State in respect of such grant, allowance or award".
Nigeria	Other income	Other income	Article 21(1)	Article 21(1)	OECD Article 21(1) refers to items of income "wherever arising", whereas Treaty Article 21 refers to "items of income arising in the other contracting State". OECD Article 21(1) states: "shall be taxable only in that State", whereas Treaty Article 21 states "may be taxed in that other State".	UN Article 21(1) refers to items of income "wherever arising", whereas Treaty Article 21 refers to "items of income arising in the other contracting State". UN Article 21(1) states "shall be taxable only in that State", whereas Treaty Article 21 states "may be taxed in that other State".
Nigeria	Other income	Other income	Article 21(2)	Article 21(2)	Treaty Article 21 does not have this second paragraph. OECD Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply".	Treaty Article 21 does not have this second paragraph. UN Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of article 7 or article 14, as the case may be, shall apply".
Nigeria	Other income	Other income	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 21(3) states: "notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing articles of this Convention and arising in the other Contracting State may also be taxed in that other State. Treaty Article 21 does not include this paragraph.
Nigeria	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Nigeria	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model Article 23B is the Credit method and Treaty Article 22 provides for the Credit method for both countries. Nigeria also has a specific rule for dividends paid by a company which is a resident of South Africa to a company which is resident in Nigeria and which controls directly or indirectly at least 10 per cent of the voting power in the company paying the dividend, the credit shall take into account in addition to any South African tax for which credit may be allowed". This is not in the OECD Model. The OECD Model Article 23B(1) refers to income and capital, whereas the Treaty Article 22(1)(a)(I) (Nigeria) refers to "profits, income and chargeable gains". Treaty Article 22(1)(b) (SA) only refers to "income".	UN Model Article 23B is the Credit method and Treaty Article 22 provides for the Credit method for both countries. Nigeria also has a specific rule for dividends paid by a company which is a resident of South Africa to a company which is resident in Nigeria and which controls directly or indirectly at least 10 per cent of the voting power in the company paying the dividend, the credit shall take into account in addition to any South African tax for which credit may be allowed". This is not in the UN Model. UN Model Article 23B(1) refers to income and capital, whereas the Treaty Article 22(1)(a)(i) (Nigeria) refers to "profits, income and chargeable gains". Treaty Article 22(1)(b) (SA) only refers to "income".
Nigeria	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Model Article 23(2) is an additional paragraph not in the Treaty Article 22, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23(2) is an additional paragraph not in the Treaty Article 22, which refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
Nigeria	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Nigeria	Non-discrimination	Non-discrimination	No OECD Reference	No OECD Reference	OECD Model and Treaty define "national" under Article 3(1).	UN Model Article 24(2) - is an additional paragraph that defines the term "nationals "as: "(a) All individuals possessing the nationality of a Contracting State; (b) All legal persons, partnerships and associations deriving their status as such from the laws in force in a Contracting State: "Nationals" is defined in Treaty Article 3(1)(h).
Nigeria	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.	UN Model Article 24(3) pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.
Nigeria	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(4) -Treaty Article 23(2) - No Deviations.
Nigeria	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(3)	OECD Model begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12 apply"; whereas Treaty Article 23(3) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11 or paragraph 6 of Article 12 apply". OECD Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". This is not in the Treaty Article 23(3).	UN Model Article 24(5) begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11 or paragraph 6 of Article 12 apply"; whereas Treaty Article 23(3) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11 or paragraph 6 of Article 12 apply". UN Model Article 24(5) includes an additional sentence, not in the Treaty Article 23(3), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Nigeria	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(4)	Corresponding Treaty Article 23(4) - No Deviations.	UN Model Article 24(6) -Treaty Article 23(3) - No Deviations.
Nigeria	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph, not in OECD Model, which states: "nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Nigeria, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 23(5) is an additional paragraph, not in UN Model, which states: "nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Nigeria, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Nigeria	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	Corresponding Treaty Article 23(6) - No Deviations.	UN Model Article 24(7) - Treaty Article 23(6) - No Deviations.
Nigeria	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 25(1) - Treaty Article 24(1) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Nigeria	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 25(2) - Treaty Article 24(2) - No Deviations.
Nigeria	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 24(3) - No Deviations.
Nigeria	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives". This is not in Treaty Article 24(4).	UN Model Article 25(4) includes an additional phrase which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". This is not in Treaty Article 24(4).
Nigeria	Exchange of information	Exchange of information	Article 26	Article 26	Corresponding Treaty Article 25(1) contains the phrase "including documents" which is not in the OECD Model. OECD Model refers to: "concerning taxes of every kind and description imposed on behalf of the Contracting States, or of their political subdivisions or local authorities, insofar as the taxation thereunder is not contrary to the Convention"; whereas Treaty Article 25(1) states: "concerning taxes covered by the Agreement in so far as the taxation thereunder is not contrary to the Agreement". OECD model states that the exchange of information is not restricted by Articles and 2, whereas Treaty Article 25(1) only refers to Article 1.	Corresponding Treaty Article 25(1) contains the phrase "including documents" which is not in the UN Model Article 26(1). UN Model contains an additional phrase "in particular for the prevention of fraud or evasion of such taxes"; and the additional phrase "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance". These phrases are not included in Treaty Article 25".
Nigeria	N/A	N/A	N/A	N/A	No OECD Article for Assistance in collection" (2000 OECD Model) , and no Treaty article.	No UN Model
Nigeria	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 27	Article 26(1)	Corresponding Treaty Article 26(1) - No Deviations,	UN Model Article 27 -Treaty Article 26(1) - No Deviations.
Nigeria	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	No OECD Reference	Article 26(2)	Treaty Article 26(2) is an additional paragraph which states: "Notwithstanding subparagraph (a) of paragraph 1 of Article 4, an individual who is a member of the diplomatic, consular or permanent mission of a Contracting State which is situated in the other Contracting State and who is subject to tax in that other State only if he derives income from sources therein, shall not be deemed to be a resident of that other State". This is not in the OECD Model.	Treaty Article 26 is an additional paragraph which states: "Notwithstanding subparagraph (a) of paragraph 1 of Article 4, an individual who is a member of the diplomatic, consular or permanent mission of a Contracting State which is situated in the other Contracting State and who is subject to tax in that other State only if he derives income from sources therein, shall not be deemed to be a resident of that other State". This is not included in the UN Model Article 27.
Nigeria	N/A	Territorial Extension	Article 28	N/A	OECD Article 28 - Territorial Extension - No Treaty equivalent	No UN Model equivalent for Territorial Extension, nor in Treaty
Nigeria	Entry into Force	Entry into Force	Article 29	Article 27	Treaty Article 27 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 27. The Treaty has specific rules for the "Entry into Force".
Nigeria	Termination	Termination	Article 30	Article 28	Treaty Article 28 has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 28. The Treaty has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Rwanda	Entry into force: 3 Aug. 2010 Conclusion: date: 5 Dec. 2002				OECD Model 2000	UN Model 2001
Rwanda	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Rwanda	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model applies to: "taxes on income and capital imposed", whereas Treaty Article 2(1) applies to "taxes on income imposed".	UN Model Article 2(1) "taxes on income and capital imposed", whereas Treaty Article 2(1) applies to taxes on income and on capital gains".
Rwanda	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model refers to: "taxes imposed on total income and total capital, elements of income or of capital"; Treaty Article 2(2) refers only to "total income and elements of income". OECD Model includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model refers to: "taxes imposed on total income and total capital, elements of income or of capital"; Treaty Article 2(2) refers only to "total income and elements of income". UN Model includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Rwanda	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Rwanda. Other than "income" taxes; Treaty Article 3(a) includes in Rwanda "professional income and any withholding tax prepayment or advance payment with respect to the aforesaid taxes;" and Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Rwanda. Other than "income" taxes; Treaty Article 3(a) includes in Rwanda "professional income and any withholding tax prepayment or advance payment with respect to the aforesaid taxes;" and Article 2(3)(b)(ii) the secondary tax on companies (SA).
Rwanda	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Article last phrase: "in their taxation laws"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws".	UN Model Article 2(4) last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".
Rwanda	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term Rwanda" means the Republic of Rwanda, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Rwanda and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 28 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term Rwanda" means the Republic of Rwanda, (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Rwanda and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Rwanda	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	Definition of "Person" - Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	OECD Model and Treaty Article 3(1)(g) define the term "enterprise".	UN Model does not define the term "enterprise", Treaty Article 3(1)(g) defines the term "enterprise" applies to the carrying on of any business.
Rwanda	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	"International Traffic" - the OECD Article 3(1)(e) states: "an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	The UN Model Article 3(1)(d) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Rwanda	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)(ii)	"Legal Person" - OECD Model Article 3(1)(j)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".
Rwanda	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	OECD Model and Treaty Article 3(1)(d) define the term "business".	Treaty Article 3(1)(d) defines "business" as "includes the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Rwanda	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Rwanda	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model includes the phrase: "respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the terms "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) includes the phrase: "respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the terms "or capital situated therein".
Rwanda	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d); except OECD Article includes the phrase: "resident only"; whereas Treaty Article 4(2) states: "resident solely".	No Deviations for paragraphs UN Model Articles 4(2)(a) to 4(2)(d) except UN Article includes the phrase: "resident only"; whereas Treaty Article 4(2) states: "resident solely".
Rwanda	Resident	Resident	Article 4(3)	Article 4(3)	No Deviations.	UN Model Article 4(3) - Treaty Article 4(3) - No Deviations.
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e)	Article 5(2)(a) - (e)	OECD Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).	UN Model Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(2)(f)	Article 5(2)(f)	OECD Model Article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources".	UN Model Article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources".
Rwanda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)	Treaty Article 5(2)(g) is an additional paragraph, not in OECD Model, which states: "an installation or structure used for the exploration for, or the exploitation of, natural resources".	Treaty Article 5(2)(g) is an additional paragraph, not in UN Model Article 5, which states: "an installation or structure used for the exploration for, or the exploitation of, natural resources".
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months; corresponding Treaty Article 5(3)(a) states: "a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) Treaty Article 5(3)(a) - No Deviations.
Rwanda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	UN Model Article 5(3)(b) states: "periods more than six months within any 12-month period."; whereas Treaty Article 5(3)(b) states: "for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
Rwanda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c), additional paragraph not in OECD Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".	Treaty Article 5(3)(c), additional paragraph not in UN Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned".
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	No Deviations.	Treaty Article 5(4)(a) includes the term "delivery"; UN Article 5(4)(a) does not include "delivery".
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	No Deviations.	Treaty Article 5(4)(b) includes the term "delivery"; UN Article 5(4)(b) does not include "delivery".
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(4)(c) - 5(4)(f)	Article 5(4)(c) - 5(4)(f)	No Deviations.	UN Article 5(4)(c) - 5(4)(f) - Treaty Article 5(4)(c) - 5(4)(f) - No Deviations.
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(a) - Treaty Article 5(5) - No Deviations. UN Model Article 5(5)(b) is an additional paragraph, states: "has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". This is not in the Treaty Article 5(5).
Rwanda	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6)"Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies". Not in Treaty Article 5.
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(6), which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Rwanda	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(7) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3) - Treaty Article 6(1)-6(3) No Deviations.
Rwanda	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) includes the phrase: "and to income from immovable property used for the performance of independent personal services", which is not included in Treaty Article 6(4).
Rwanda	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment" - these are not in Treaty Article 7(1).
Rwanda	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Rwanda	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) includes an additional paragraph, not in the OECD Model, which states: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Treaty also has further limitations on payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations.
Rwanda	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Rwanda	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Rwanda	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Rwanda	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1)(Alt A) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "for the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent in OECD Model Article 8.	Treaty Article 8(2) is an additional paragraph which states: "for the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent in UN Model Article 8.
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) is an additional paragraph which states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD Model Article 8.	Treaty Article 8(3) is an additional paragraph which states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model Article 8.
Rwanda	Shipping and Air Transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
Rwanda	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Rwanda	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This is not in Treaty Article 9(3).
Rwanda	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Rwanda	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "(a) if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the dividends if the beneficial owner holds at least 25 per cent of the capital; and (b) 20 per cent in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "10 per cent of the gross amount of the dividends if the beneficial owner holds at least 25 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "20 per cent in all other cases".
Rwanda	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Rwanda	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base; whereas the Treaty only refers to "permanent establishment". Treaty refers to the provisions of Article 7, whereas UN Model refers to the provisions of Articles 7 and 14.
Rwanda	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) refers to: "permanent establishment or fixed base; whereas Treaty Article 1 only refers to "permanent establishment".
Rwanda	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Rwanda	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the percentage of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. whereas the Treaty Article states: "the tax so charged shall not exceed 10 per cent of the gross amount of the interest".
Rwanda	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph not in OECD Model, which states: "notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".	Treaty Article 11(3) is an additional paragraph not in UN Model, which states: "notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".
Rwanda	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.
Rwanda	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) states that "the provisions of paragraph 1, 2 and 3 shall not apply"; whereas the OECD Model Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". Not a significant deviation.	Treaty Article 11(5) states that "the provisions of paragraph 1, 2 and 3 shall not apply"; whereas the UN Model Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". UN Model Article 11(4) includes the phrase: "or with (b) business activities referred to under (c) of paragraph 1 of article 7" which is not in Corresponding Treaty Article 11(5). UN Model Article 11(4) includes the phrase: "or performs in that other State independent personal services from a fixed base situated therein" which is not in Treaty Article 11(5). UN Model Article 11(4) includes the phrase: "permanent establishment or fixed base" whereas Treaty Article 11(5) refers only to "permanent establishment".
Rwanda	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes the phrase: "permanent establishment or fixed base" whereas Corresponding Treaty Article 11(6) refers only to "permanent establishment".
Rwanda	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) - Treaty Article 11(7) - No Deviations.
Rwanda	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State"; Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviation
Rwanda	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2) includes the phrase, not in OECD Model, that states: "However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation, and states: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation". Treaty Article 12(2) states: "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".
Rwanda	Royalties	Royalties	Article 12(2)	Article 12(3)	Corresponding Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting" and " these are not in OECD Model.	UN Model Article 12(3) includes the terms: " or for the use of, or the right to use, industrial, commercial or scientific equipment ", which is not included in Treaty Article 12(3).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations	UN Model Article 12(4) contains additional phrase: "or performs in that other State independent personal services from a fixed base situated therein", which is not in Corresponding Treaty Article 12(4). UN Model Article 12(4) includes an additional paragraph, not in Treaty Article 12(4), which states: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7". UN Model Article 12(4) includes the phrase: "permanent establishment or fixed base" whereas Treaty Article 12(4) refers only to "permanent establishment". UN Model Article 12(4) refers to "provisions Articles 7 and 14", whereas Treaty Article 12(4) refers only to Article 7".
Rwanda	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) - Treaty Article 12(5) - No Deviations
Rwanda	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Rwanda	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Rwanda	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".
Rwanda	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".	UN Model Article 13(3)includes the term; "boats engaged in inland waterways" ; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".
Rwanda	Capital gains	Capital gains	No OECD Reference	Article 13(4)	Treaty Article 13(4) is an additional paragraph which states: "gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State". This is not in OECD 2000 Model.	UN Model Article 13(4) includes the phrase: "or of an interest in a partnership, trust or estate", Treaty Article 13(4) does not contain this phrase. UN Model Article 13(4) includes additional paragraphs, not in Treaty, which state: "Nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities. (2) For the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
Rwanda			No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ... per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty Article 13 does not contain this paragraph.
Rwanda	Capital gains	Capital gains	Article 13(4)	Article 13(5)	Corresponding Treaty Article 13(5) - No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations
Rwanda	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and the Treaty does not include the Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which is not included in the Treaty.
Rwanda	Technical Fees	N/A	No OECD Reference	Article 14	Treaty Article 14 is for "Technical Fees", which is not in the OECD Model.	Treaty Article 14 is for "Technical Services", which is not in the UN Model.
Rwanda	Income from employment	Income from employment	Article 15(1)	Article 15(1)	No Deviations.	UN Model Article 15(1) - Treaty Article 15(1) - No Deviations.
Rwanda	Income from employment	Income from employment	Article 15(2)	Article 15(2)	No Deviations.	UN Model Article 15(2)(c) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 15(2)(c) only refers to "permanent establishment".
Rwanda	Income from employment	Income from employment	Article 15(3)	Article 15(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 15(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Rwanda	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	No Deviations.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, and 14.
Rwanda	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	No Deviations.	UN Model Article 17(1) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, and 15.
Rwanda	Pensions and annuities	Pensions	Article 18	Article 18	OECD Model refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State."; whereas Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt. A) refers to "pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Rwanda	Pensions and annuities	Pensions	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; this is not included in Treaty Article 18.
Rwanda	Pensions and annuities	Pensions	No OECD Reference	No OECD Reference	Treaty Article 18(2) defines "Annuities": "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in the OECD Model.	Treaty Article 18(2) defines "Annuities": "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in the UN Model.
Rwanda	Government service	Government service	Article 19(1)-19(3)	Article 19(1)-19(3)	No Deviations.	UN Model Article 19(1)-19(3) - Treaty Article 19(1)-19(3) - No Deviations.
Rwanda	Students, apprentices and business trainees	Students	Article 20	Article 20	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article 20(1) states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result). UN Model Article 20(2) is an additional paragraph which refers to "grants, scholarships and remuneration from employment not covered by paragraph 1", this is not in Treaty Article 21.
Rwanda	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Article 21(1) states: "items of income of a resident of a Contracting State, wherever arising", whereas Treaty Article 21 states: "items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State".
Rwanda	Other income	Other income	Article 21(2)	Article 21(2)	No Deviations.	UN Model Article 21(2) includes an additional phrase: "or performs in that other State independent personal services from a fixed base situated therein", Treaty Article 22 does not include this phrase. UN Model Article 21(2) includes "permanent establishment or fixed base", whereas Treaty only includes "permanent establishment".
Rwanda	Other income	Other income	No OECD Reference	Article 21(3)	Treaty Article 21(3) is not in the OECD Model, and it states "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3)- Treaty Article 21(3) - No Deviations
Rwanda	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Rwanda	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model 23B is the Credit method. Treaty Article 22 provides for the Credit Method for both countries. Treaty Article 22(a) for Rwanda, states "such deduction shall not, however, exceed an amount which bears to the total Rwandan tax payable the same ratio as the income concerned bears to the total income"; and Treaty Article 22(b) South Africa "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". OECD Model 23B(1) states: "such deduction in either case shall not, however, exceed that part of the income tax or capital tax, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in that other State". OECD Model Article refers to income and capital; whereas the Treaty does not mention "capital".	UN Model 23B is the Credit method. Treaty Article 22 provides for the Credit Method for both countries. Treaty Article 22(a) for Rwanda, states "such deduction shall not, however, exceed an amount which bears to the total Rwandan tax payable the same ratio as the income concerned bears to the total income"; and Treaty Article 22(b) South Africa "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". UN Model 23B(1) states: "such deduction in either case shall not, however, exceed that part of the income tax or capital tax, as computed before the deduction is given, which is attributable, as the case may be, to the income or the capital which may be taxed in that other State". UN Model Article refers to income and capital; whereas the Treaty does not mention "capital".
Rwanda	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Model Article 23B (2) states: "where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not included in the Treaty Article 22.	UN Model Article 23B (2) states: "where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not included in the Treaty Article 22.
Rwanda	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Rwanda	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.
Rwanda	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 23(2) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Rwanda	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(3)	OECD Model begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12 apply"; whereas Treaty Article 23(3) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 apply, or paragraph 6 of Article 14 apply". Treaty includes: "technical fees", whereas the OECD Model does not. OECD Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". This is not in the Treaty Article 23(3).	UN Model Article 24(4) begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11 or paragraph 6 of Article 12 apply"; whereas Treaty Article 23(3) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 or paragraph 6 of Article 14 apply". UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 23(3), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Rwanda	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(4)	Corresponding Treaty Article 23(4) - No Deviations.	UN Model Article 24(5) -Treaty Article 23(4) - No Deviations.
Rwanda	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph, not in OECD Model, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Rwanda, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 23(5) is an additional paragraph, not in UN Model, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Rwanda, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Rwanda	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	Corresponding Treaty Article 23(6) - No Deviations.	UN Model Article 24(6) - Treaty Article 23(6) - No Deviations.
Rwanda	Mutual agreement procedure	Mutual agreement procedure	Article 25(1) - 25(3)	Article 24(1) - 24(3)	Corresponding Treaty Article 24(1) - 24(3) - No Deviations.	UN Model Article 25(1)-25(3) - Treaty Article 24(1) - 24(3) - No Deviations.
Rwanda	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	Corresponding Treaty Article 24(4) - No Deviations.	UN Model Article 25(4) includes an additional phrase which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". This is not in Treaty Article 24(4).
Rwanda	Exchange of information	Exchange of information	Article 26	Article 25	Corresponding Treaty Article 25 -No Deviations.	UN Model Article 26(1) contains an additional phrase "in particular for the prevention of fraud or evasion of such taxes"; and the additional phrase: "the competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance". These phrases are not included in Treaty Article 25".
Rwanda	N/A	N/A	No OECD Reference	No Treaty Reference	No OECD Article for Assistance in collection" (2000 OECD Model) , and no Treaty article.	No UN Model equivalent for "Assistance in Recovery".
Rwanda	Members of Diplomatic Missions and Consular Posts	Members of Diplomatic Missions and Consular Posts	Article 27	Article 26	Corresponding Treaty Article 26 - No Deviations.	UN Model Article 27 -Treaty Article 26 - No Deviations.
Rwanda	N/A	Territorial Extension	Article 28	No Treaty Reference	OECD Article 28 - Territorial Extension - No Treaty equivalent.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Rwanda	Entry into Force	Entry into Force	Article 29	Article 27	Treaty Article 27 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 27. The Treaty has specific rules for the "Entry into Force".
Rwanda	Termination	Termination	Article 30	Article 28	Treaty Article 28 has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 28. The Treaty has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Seychelles	Entry into force: 29 July 2002 Conclusion date: 26 Aug. 1998 Protocol signed 4 April 2011				OECD Model 1998 (and OECD 2010 for updated Protocol)	UN Model 1980 (and UN 2010 for updated Protocol)
Seychelles	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Seychelles	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income" and "total capital"; whereas Treaty Article 2(1) applies only to taxes on income".	UN Model Article 2(1) applies to: "taxes on income and capital"; whereas Treaty Article 2(1) applies only to taxes on income".
Seychelles	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". OECD Model Article includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model Article 2(2) applies to: includes : "total income and total capital"; Treaty Article 2(2) omits the word "capital". UN Model Article 2(2) includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Seychelles	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Seychelles. Other than "income" taxes; Treaty Article 3(a) includes "the business tax" (Seychelles)" and Article 2(3)(b)(ii) the secondary tax on companies (SA).	UN Model Article 2(3) is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Seychelles. Other than "income" taxes; Treaty Article 3(a) includes "the business tax" (Seychelles)" and Article 2(3)(b)(ii) the secondary tax on companies (SA).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Article last phrase: "in their respective taxation laws"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws or other laws or regulations affecting their obligations under the Agreement".	UN Model Article 2(4) last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws or other laws or regulations affecting their obligations under the Agreement".
Seychelles	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Seychelles" means the territory of the Republic of Seychelles; (b) the term "South Africa" means the Republic of South Africa The treaty further defines Seychelles and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 28 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Seychelles" means the territory of the Republic of Seychelles; (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Seychelles and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Seychelles	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(b)	The term "Person" - Treaty Article 3(1)(b) includes an additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	The term "Person" - Treaty Article 3(1)(b) includes an additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Seychelles	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(i)	Corresponding Treaty Article 3(1)(i) define "enterprise" - No Deviations.	Treaty Article 3(1)(i) defines "enterprise" as "applies to the carrying on of any business"; whereas the UN Model Article 3(1) does not define "enterprise".
Seychelles	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(e)	The OECD Article 3(1)(e) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(e) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	The UN Model Article 3(1)(d) states: "which has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(e) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Seychelles	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(g)	OECD Model Article 3(1)(f)(ii) "Legal Person" - includes the term "partnership"; whereas Treaty Article 3(1)(g)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) "Legal Person" includes the term "partnership"; whereas Treaty Article 3(1)(g)(ii) omits the term "partnership".
Seychelles	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(h)	OECD Model Article and Treaty Article define "business". No Deviations.	Treaty Article 3(1)(h) defines "business" includes: "the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Seychelles	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Seychelles	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model Article 4(1) includes the phrase: "in respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the phrase: "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) includes the phrase: "in respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the phrase: "or capital situated therein".
Seychelles	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d).	No Deviations for paragraphs 4(2)(a) to 4(2)(d).
Seychelles	Resident	Resident	Article 4(3)	Article 4(3)	No Deviations.	No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (e)	Article 5(2)(a) - (e)	OECD Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).	UN Model Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e).
Seychelles	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(f)	Treaty Article 5(2)(f) is an additional paragraph, not in OECD Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for other persons".	Treaty Article 5(2)(f) is an additional paragraph, not in UN Model Article 5, which states: "a warehouse, in relation to a person providing storage facilities for other persons".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(2)(f)	Article 5(2)(g)	OECD Model article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(g) includes "extraction or exploitation of natural resources". Treaty Article 5(2)(g) also includes: "a drilling rig or a working ship", which is not in OECD Article 5(2)(f).	UN Model article 5(2)(f) refers only to "extraction of natural resources". Treaty Article 5(2)(g) includes "extraction or exploitation of natural resources". Treaty Article 5(2)(g) also includes: "a drilling rig or a working ship", which is not in UN Article 5(2)(f).
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months; corresponding Treaty Article 5(3)(a) states: "a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) Treaty Article 5(3)(a) - No Deviations
Seychelles	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b), additional paragraph not in OECD Model; states: "the furnishing of services, including consultancy services by an enterprise through employees or other personal engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods aggregating more than 183 days within any twelve-month period".	UN Model Article 5(3)(b) states: "periods aggregating more than 183 days in any 12-month period commencing or ending in the fiscal year concerned"; whereas Treaty Article 5(3)(b) only states "periods aggregating more than 183 days within any twelve month period", i.e. Treaty omits "commencing or ending in the fiscal year concerned".
Seychelles	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c), additional paragraph not in OECD Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within the Contracting State for a period or periods aggregating more than 183 days within any twelve month period".	Treaty Article 5(3)(c), additional paragraph not in UN Model; states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within the Contracting State for a period or periods aggregating more than 183 days within any twelve month period".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	No Deviations.	Treaty Article 5(4)(a) includes the term "delivery"; UN Article 5(4)(a) does not include "delivery".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	No Deviations	Treaty Article 5(4)(b) includes the term "delivery"; UN Article 5(4)(b) does not include "delivery".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(c)	Article 5(4)(c)	No Deviations.	No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(d)	Article 5(4)(d)	No Deviations.	No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(4)(e)	Treaty Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of advertising, or for the supply of information, for the enterprise". This is not included in OECD Model Article 5(4).	Treaty Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of advertising, or for the supply of information, for the enterprise". This is not included in UN Model Article 5(4).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(e)	Article 5(4)(f)	Corresponding Treaty Article 5(4)(f) - No Deviations.	UN Article 5(4)(e) Corresponding Treaty Article 5(4)(f) - No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(4)(g)	Corresponding Treaty Article 5(4)(g) - No Deviations.	UN Article 5(4)(f) Corresponding Treaty Article 5(4)(g) - No Deviations.
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(a) - Treaty Article 5(5) - No Deviations. (except UN Model references Paragraph 7, whereas Treaty references Paragraph 6; UN Model Article 5(5)(b), which is not in the Treaty, states: "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise".
Seychelles	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6) in an additional paragraph, not in Treaty, which states: "Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(7), which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Seychelles	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Seychelles	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3) - Treaty Article 6(1)-6(3) No Deviations.
Seychelles	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) contains an additional phrase, not included in Treaty Article 6(4), which states: "and to income from immovable property used for the performance of independent personal services".
Seychelles	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment" - these are not in Treaty Article 7(1).
Seychelles	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Seychelles	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) includes an additional paragraph, not in the OECD Model, which states: "however, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are also additional limitations regarding payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations
Seychelles	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Seychelles	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations". This is not in Treaty Article 7.
Seychelles	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Seychelles	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Seychelles	International traffic	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1)(Alt A) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
Seychelles	International traffic	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	International traffic	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Seychelles	International traffic	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent OECD Model Article 8.	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent UN Model Article 8.
Seychelles	International traffic	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) is an additional paragraph which states: "Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD article.	Treaty Article 8(3) is an additional paragraph which states: Profits of an enterprise of a Contracting State from the use or rental of containers (including trailers, barges and related equipment for the transport of containers) used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model Article. 8
Seychelles	International traffic	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(4)	No Deviations.	UN Model Article 8(4) - Treaty Article 8(4) No Deviations.
Seychelles	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Seychelles	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Seychelles	Associated enterprises	Associated enterprises	No OECD Reference	Article 9(3)	Treaty Article 9(3), an additional paragraph not in the OECD Model, states: "A Contracting State shall not change the income of a person in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws and, in any case, after five years from the end of the year in which the income which would be subject to such change would, but for the conditions referred to in paragraph 1, have accrued to that person".	Treaty Article 9(3), an additional paragraph not in the UN Model, states: "A Contracting State shall not change the income of a person in the circumstances referred to in paragraph 1 after the expiry of the time limits provided in its national laws and, in any case, after five years from the end of the year in which the income which would be subject to such change would, but for the conditions referred to in paragraph 1, have accrued to that person".
Seychelles	Associated enterprises	Associated enterprises	No OECD Reference	Article 9(4)	Treaty Article 9(4), an additional paragraph not in the OECD Model, states: "The provisions of paragraphs 2 and 3 shall not apply in the case of fraud, wilful default or neglect".	UN Model Article 9(3) states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default"; whereas Treaty Article 9(4) states only: "The provisions of paragraphs 2 and 3 shall not apply in the case of fraud, wilful default or neglect".
Seychelles	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Seychelles	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "(a) if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital; and (b) 10 per cent in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: " 5 per cent of the gross amount of the dividends if the beneficial owner holds at least 10 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "10 per cent in all other cases".
Seychelles	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Seychelles	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment". UN Model Article 10(4) references the provisions of Articles 7 and 14; whereas the Treaty refers to Article 7.
Seychelles	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
Seychelles	Interest	Interest	Article 11(1)	Article 11(1)	OECD Model Article 11(1) states that interest "may be taxed in that other State"; whereas Treaty Article 11(1) states that interest "State shall be taxable only in that other State". Treaty Article 11(1) includes an additional phrase that states: "provided such resident is the beneficial owner of the interest".	UN Model Article 11(1) states that interest "may be taxed in that other State"; whereas Treaty Article 11(1) states that interest "State shall be taxable only in that other State". Treaty Article 11(1) includes an additional phrase that states: "provided such resident is the beneficial owner of the interest".
Seychelles	Interest	Interest	Article 11(2)	No Treaty Reference	OECD Model Article 11(2) states that if the beneficial owner is a resident of the other contracting state, then "the tax so charged shall not exceed 10 per cent of the gross amount of the interest"; whereas the Treaty Article does not include this paragraph. i.e. no limitation.	UN Model Article 11(2) does not specify the percentage of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. Treaty does not include this paragraph, thus no limitation.
Seychelles	Interest	Interest	Article 11(3)	Article 11(2)	Treaty Article 11(2) includes in the definition of interest: "income assimilated to income from money lent under the taxation law of the State in which the income arises"; which is not in OECD Model Article 11(3) Interest definition.	Treaty Article 11(3) includes in the definition of interest: "income assimilated to income from money lent under the taxation law of the State in which the income arises"; which is not in UN Model Article 11(3) Interest definition.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	Interest	Interest	Article 11(4)	Article 11(3)	Corresponding Treaty Article 11(3) phrase states that "The provisions of paragraph 1 shall not apply"; whereas the OECD Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". Not a significant deviation.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(3), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 11(4) includes the paragraph "effectively connected with (a) such permanent establishment; or fixed base, or with (b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 11(5) only refers to permanent establishment, not fixed base, and does not contain the additional paragraph (b); and the Treaty Article only references the provisions of Article 7.
Seychelles	Interest	Interest	Article 11(5)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(4) only refers to: "permanent establishment".
Seychelles	Interest	Interest	Article 11(6)	Article 11(5)	Corresponding Treaty Article 11(5) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(5) - No Deviations.
Seychelles	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "beneficially owned by a resident", whereas Treaty states: "provided such resident is the beneficial owner of the royalties".	Treaty Article 12(1) contains an additional sentence: "provided such resident is the beneficial owner of the royalties", not in UN Model
Seychelles	Royalties	Royalties	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation. Treaty Article does not include a paragraph for a limitation on taxation by the other State on the Royalties.
Seychelles	Royalties	Royalties	Article 12(2)	Article 12(2)	Treaty Article 12(2) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes: "the right to use, industrial, commercial or scientific equipment"; Treaty Article 12(2) does not contain this phrase.
Seychelles	Royalties	Royalties	Article 12(3)	Article 12(3)	No Deviations.	UN Model Article 12(4) contains an additional sentence "or performs in that other State independent personal services from a fixed base situated therein; which is not in Treaty Article 12(3). UN Model also includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7. In such cases the provisions of article 7 or article 14, as the case may be, shall apply". Treaty Article 12(3) does not include paragraph (b), and only refers to the Provisions of Article 7.
Seychelles	Royalties	Royalties	No OECD Reference	Article 12(4)	Treaty Article 12(4) is not in the OECD Model, and states: Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) includes the terms "permanent establishment or fixed base"; whereas Treaty Article 12(4) only includes the terms "permanent establishment" and not "fixed base".
Seychelles	Royalties	Royalties	Article 12(4)	Article 12(5)	Corresponding Treaty Article 12(5) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(5) - No Deviations.
Seychelles	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Seychelles	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). The UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".
Seychelles	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways" ; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains derived by an enterprise of a Contracting State from the alienation of ships or aircraft operated international traffic or movable property pertaining to the operation of such ships or aircraft, shall be taxable only in that State". Treaty does not mention "place of effective management".
Seychelles	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(a) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; b) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate". Treaty Article only refers to "gains derived from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State".
Seychelles	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty Article 13 does not contain this paragraph.
Seychelles	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.
Seychelles	Independent personal services	Independent personal services	Article 14	Article 14	Deleted in OECD Model, and the current Treaty also does not have an Article on "Independent Personal Services". The earlier treaty did contain Article 14, but was deleted in the 2011 Protocol.	UN Model Article 14 relates to "Independent Personal Services" which has been deleted from OECD Model, and the Treaty also does not include this Article. The earlier treaty did contain Article 14, but was deleted in the 2011 Protocol.
Seychelles	Income from employment	Income from employment	Article 15(1)	Article 15(1)	OECD Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 15(1) references Articles 16, 18, 19 and 20.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 15(1) references Articles 16, 18, 19 and 20.
Seychelles	Income from employment	Income from employment	Article 15(2)	Article 15(2)	Corresponding Treaty Article 15(2) - No Deviations.	UN Model Article 15(2)(c) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 15(2)(c) only refers to "permanent establishment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	Income from employment	Income from employment	Article 15(3)	Article 15(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article 14(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); and UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Seychelles	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) -Treaty Article 16 - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.
Seychelles	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	No Deviations.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 15.
Seychelles	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	No Deviations.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 15.
Seychelles	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 17(3)	Treaty Article 17(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in OECD Model Article 17.	Treaty Article 17(3) is an additional paragraph which states: "Income derived by a resident of a Contracting State from activities exercised in the other Contracting State as envisaged in paragraphs 1 and 2 of this Article, shall be exempt from tax in that other State if the visit to that other State is supported wholly or mainly by public funds of the first-mentioned Contracting State, a political subdivision or a local authority thereof, or takes place under a cultural agreement or arrangement between the Governments of the Contracting States". There is no equivalent paragraph in UN Model Article 17.
Seychelles	Pensions and annuities	Pensions	Article 18	Article 18(1)	OECD Model refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State."; whereas Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt.A) refers to "pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Seychelles	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) refers to "pensions and other similar payments made under the social security system of a Contracting State, shall be taxable only in that State"; whereas there is no such paragraph in OECD Model Article 18.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; whereas Treaty Article 18(2) refers only to payments "made under the social security system".
Seychelles	Pensions and annuities	Pensions	No OECD Reference	Article 18(3)	Treaty Article 18(3) defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	Treaty Article 18(3) defines Annuities: " The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". UN Model Article 18 does not include this paragraph.
Seychelles	Government service	Government service	Article 19(1)-19(3)	Article 19(1)-19(3)	No Deviations.	UN Model Article 19(1)-19(3) -Treaty Article 19(1)-19(3) - No Deviations.
Seychelles	Professors and teachers	N/A	No OECD Reference	Article 20	Treaty Article 20 is an addition not in OECD Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by him from outside that State and such remuneration is subject to tax in the other State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons."	Treaty Article 20 is an addition not in UN Model, and relates to "Professors and Teachers". Treaty Article 20 states: "1. Notwithstanding the provisions of Article 14, a professor or teacher who makes a temporary visit to one of the Contracting States for a period not exceeding two years for the purpose of teaching or carrying out research at a university, college, school or other educational institution in that State and who is, or immediately before such visit was, a resident of the other Contracting State shall, in respect of remuneration for such teaching or research, be exempt from tax in the first-mentioned State, provided that such remuneration is derived by him from outside that State and such remuneration is subject to tax in the other State. 2. The provisions of this Article shall not apply to income from research if such research is undertaken not in the public interest but wholly or mainly for the private benefit of a specific person or persons."
Seychelles	Students, apprentices and trainees	Students	Article 20	Article 21	OECD Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Seychelles	Other income	Other income	Article 21(1)	Article 22(1)	OECD Article 21(1) begins: "items of income of a resident", whereas Treaty Article 22(1) begins: "items of income beneficially owned by a resident".	UN Article 21(1) begins: "items of income of a resident", whereas Treaty Article 22(1) begins: "items of income beneficially owned by a resident".
Seychelles	Other income	Other income	Article 21(2)	Article 22(2)	Corresponding Treaty Article 22(2) - No Deviation	UN Model Article 21(2) includes the phrase: "performs in that other State independent personal services from a fixed base situated therein", which is not in Treaty Article 22(2). UN Model Article 21(2) refers to "permanent establishment or fixed base" whereas Treaty Article 22(2) only refers to "permanent establishment". UN Model refers to the provisions of article 7 or article 14, whereas Treaty Article refers to Article 7.
Seychelles	Other income	Other income	No OECD Reference	Article 22(3)	Treaty Article 22(3) is not in the OECD Model, and it states "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State.	UN Model Article 21(3) - Treaty Article 22(3) - No Deviations.
Seychelles	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	Elimination of double taxation	23B Credit method	Article 23(1)	Article 23(1)	OECD Model Article 23B is the Credit method. Treaty Article 23(1)(a) for Seychelles provides for a deduction, and that such deduction shall not, however, exceed an amount which bears to the total Seychelles tax payable the same ratio as the income concerned bears to the total income. Treaty Article 23(1)(b) for South Africa, also provides for a deduction from tax payable and that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". OECD Model Article 23B(1) includes "income and capital"; whereas the Treaty does not mention "capital".	UN Model Article 23B is the Credit method. Treaty Article 23(1)(a) for Seychelles provides for a deduction, and that such deduction shall not, however, exceed an amount which bears to the total Seychelles tax payable the same ratio as the income concerned bears to the total income. Treaty Article 23(1)(b) for South Africa, also provides for a deduction from tax payable and that "such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". UN Model Article 23B(1) includes "income and capital"; whereas the Treaty does not mention "capital".
Seychelles	Elimination of double taxation	23B Credit method	Article 23(2)	Article 23(2)	OECD Model Article 23(2) refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Corresponding Treaty Article 23(2) states that: "but for an exemption or reduction granted in accordance with laws designed to promote economic development in Seychelles or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". This is not in OECD Model.	UN Model Article 23(2) refers income derived or capital which is exempt from tax, that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". Corresponding Treaty Article 23(2) states that: "but for an exemption or reduction granted in accordance with laws designed to promote economic development in Seychelles or South Africa, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph". This is not in UN Model.
Seychelles	Elimination of double taxation	23B Credit method	No OECD Reference	Article 23(3)	Treaty Article 23(3) is an additional paragraph which states: "a grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws designed to promote economic development in that first-mentioned State, shall not be taxable in the other State".	Treaty Article 23(3) is an additional paragraph which states: "a grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws designed to promote economic development in that first-mentioned State, shall not be taxable in the other State".
Seychelles	Non-discrimination	Non-discrimination	Article 24(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 24(1) - No Deviations.
Seychelles	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.
Seychelles	Non-discrimination	Non-discrimination	Article 24(3)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 24(2) - No Deviations.
Seychelles	Non-discrimination	Non-discrimination	Article 24(4)	Article 24(4)	OECD Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". This is not in the Treaty Article 24(4)	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 24(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Seychelles	Non-discrimination	Non-discrimination	Article 24(5)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 24(5) -Treaty Article 24(3) - No Deviations.
Seychelles	Non-discrimination	Non-discrimination	Article 24(6)	Article 24(5)	Corresponding Treaty Article 24(5) - No Deviations.	UN Model Article 24(6) - Treaty Article 24(5) - No Deviations.
Seychelles	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 25(1)	OECD Model Article 25(1) states that: "the case must be presented within three years from the first notification"; whereas the Treaty Article 25(1) states that the case must be presented within two years".	UN Model Article 25(1) states that: "the case must be presented within three years from the first notification"; whereas the Treaty Article 25(1) states that the case must be presented within two years".
Seychelles	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 25(2)	The last sentence in OECD Model Article 25(2) is not in Treaty Article 25(2), which states: "Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States".	The last sentence in UN Model Article 25(2) is not in Treaty Article 25(2), which states: "Any agreement reached shall be implemented notwithstanding any time limits in the domestic law of the Contracting States".
Seychelles	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 25(3)	No Deviations.	UN Model Article 25(3) -Treaty Article 24(3) - No Deviations.
Seychelles	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 25(4)	OECD Model Article 25(4) states: "including through a joint commission consisting of themselves or their representatives", Treaty Article 25(4) states: "the competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article".	UN Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives", Treaty Article 25(4) states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures: whereas the UN Model Article 25(4) states may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure".
Seychelles	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	No Treaty Reference	OECD Article 25(5) is an additional paragraph not in the Treaty Article 25, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc,	There is no such paragraph in the UN Model Article 25, nor in Treaty Article 25.
Seychelles	Exchange of information	Exchange of information	Article 26(1) to 26(5)	Article 26(1) to 26(5)	Corresponding Treaty Article 26(1) to 26(5)- No Deviations.	UN Article 26(1) refers to information that is "necessary", whereas Treaty Article 26(1) refers to information that is "foreseeably relevant;" UN Model Article 21 contains the phrase: "in particular for the prevention of fraud or evasion of such taxes" which is not in OECD Model; Article 26(2) no deviations to Treaty; UN does not contain articles 26(3) to 26(5).
Seychelles	Exchange of information	Exchange of information	No OECD Reference	Article 26(6)	Treaty Article 26(6) is a paragraph that is not in the OECD Model; which states: "The competent authorities of the Contracting States shall agree upon the mode of application of this Article".	Treaty Article 26(6) states: he competent authorities of the Contracting States shall agree upon the mode of application of this Article"; this is not in the UN Model Article.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Seychelles	N/A	Assistance in the collection of taxes	Article 27	No Treaty Reference	OECD Article for Assistance in collection of Taxes - no Treaty equivalent.	No UN Model Article 27 "Assistance in the Collection of Taxes" and no equivalent in the Treaty.
Seychelles	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 27	Treaty Article 27 - No Deviations.	UN Model Article 28 -Treaty Article 27 - No Deviations.
Seychelles	N/A	Territorial Extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent	No UN Model equivalent for Territorial Extension, nor in Treaty
Seychelles	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 29 - equivalent article Treaty Article 28. The Treaty has specific rules for the "Entry into Force".
Seychelles	Termination	Termination	Article 29	Article 31	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article 29 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 30 - equivalent Treaty Article 29 The treaty has specific rules for termination. The beginning of the Treaty Article 29 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 30 does not contain the phrase: "shall remain in force indefinitely".
Swaziland	Entry into force: 8 Feb. 2005 Conclusion date: 23 Jan. 2004				OECD Model 2003	UN Model 2001
Swaziland	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Swaziland	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model applies to: "taxes on income and on capital imposed", whereas Treaty Article 2(1) applies to "taxes on income imposed".	UN Model Article 2(1) "taxes on income and capital imposed", whereas Treaty Article 2(1) applies to taxes on income and on capital gains".
Swaziland	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model refers to: "taxes imposed on total income and total capital, elements of income or of capital"; Treaty Article 2(2) refers only to "total income and elements of income". OECD Model includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model refers to: "taxes imposed on total income and total capital, elements of income or of capital"; Treaty Article 2(2) refers only to "total income and elements of income". UN Model includes an additional sentence: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Swaziland	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Swaziland: Article 2(3)(a)(ii) the secondary tax on companies (SA).	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Swaziland: Article 2(3)(a)(ii) the secondary tax on companies (SA).
Swaziland	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Model Article states: "identical or substantially similar taxes"; whereas Treaty Article 2(4) states: "taxes of a substantially similar character". OECD Model Article last phrase: "in their taxation laws"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws".	UN Model Article 2(4) states: "identical or substantially similar taxes"; whereas Treaty Article 2(4) states: "taxes of a substantially similar character". UN Model Article 2(4) last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "been made in their respective taxation laws".
Swaziland	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Swaziland" means the Kingdom of Swaziland"; (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Swaziland and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "Swaziland" means the Kingdom of Swaziland"; (b) the term "South Africa" means the Republic of South Africa". The treaty further defines Swaziland and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Swaziland	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	Definition of Person: Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Swaziland	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	OECD Model and Treaty Article 3(1)(g) define the term "enterprise" as "applies to the carrying on of any business".	UN Model does not define the term "enterprise", Treaty Article 3(1)(g) does include the definition of "enterprise" as "applies to the carrying on of any business".
Swaziland	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	Treaty Article 3(1)(I) includes the terms: "rail or road transport vehicle", not in the OECD Model. OECD Model Article 3(1)(e) states: "an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(I) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".	Treaty Article 3(1)(i) includes the terms: "rail or road transport vehicle", not in the UN Model Article 3(1)(e). UN Model Article 3(1)(e) states: "an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".
Swaziland	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article 3(1)Article 3(1)(g)(i) states: "any individual possessing the nationality or citizenship"; whereas Treaty Article 3(1)(j) states: "all individuals having the citizenship"; OECD Model Article 3(1)Article 3(1)(g)(ii) "Legal Person" includes the term "partnership"; whereas Treaty Article 3(1)(j) omits the term "partnership".	UN Model Article 3(1)Article 3(1)(g)(i) states: "any individual possessing the nationality"; whereas Treaty Article 3(1)(j) states: "all individuals having the citizenship"; UN Model Article 3(1)(f)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".
Swaziland	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	OECD Model and Treaty Article 3(1)(d) define the term "business" as "includes the performance of professional services and of other activities of an independent character".	Treaty Article 3(1)(d) defines "business" as "includes the performance of professional services and of other activities of an independent character". Whereas the UN Model Article 3(1) does not define "business".
Swaziland	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Swaziland	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model includes the phrase: "respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the terms "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) includes the phrase: "respect only of income from sources in that State or capital situated therein". Treaty Article 4(1) excludes the terms "or capital situated therein".
Swaziland	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d) ; except OECD Article includes the phrase: "resident only"; whereas Treaty Article 4(2) states: "resident solely".	No Deviations for paragraphs UN Model Articles 4(2)(a) to 4(2)(d) except UN Article includes the phrase: "resident only"; whereas Treaty Article 4(2) states: "resident solely".
Swaziland	Resident	Resident	Article 4(3)	Article 4(3)	No Deviations.	UN Model Article 4(3) - Treaty Article 4(3) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(2)(a) - (f)	Article 5(2)(a) - (f)	OECD Article paragraphs 5(2)(a) to (f) are the same as Treaty paragraphs 5(2)(a) to (f).	UN Model Article paragraphs 5(2)(a) to (f) are the same as Treaty paragraphs 5(2)(a) to (f).
Swaziland	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)	Additional Paragraph - Treaty Article 5(2)(g) states: "a building site, a construction, installation or assembly project or any supervisory activity in connection with such site or project but only if such site, project or activity lasts more than six months". This corresponds to OECD Article 3, except OECD Article 3 states: "A building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months".	Additional Paragraph - Treaty Article 5(2)(g) states: "a building site, a construction, installation or assembly project or any supervisory activity in connection with such site or project but only if such site, project or activity lasts more than six months". This corresponds to UN Article 3(a), which also states "lasts more than six months"
Swaziland	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(h)	Additional Paragraph - Treaty Article 5(2)(h) states: the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purposes, but only where activities of that nature continue (for the same or a connected project) within a Contracting State for a period or periods aggregating more than 90 days in any twelve-month period commencing or ending in the year of assessment concerned"; this is not in OECD Model.	UN Model Article 5(3)(b) (furnishing of services) states: "periods more than six months within any 12-month period."; whereas corresponding Treaty Article 5(2)(h) states: "for a period or periods aggregating more than 90 days in any twelve-month period commencing or ending in the year of assessment concerned".
Swaziland	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(i)	Additional Paragraph - Treaty Article 5(2)(i) states: the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the year of assessment concerned"; this is not in OECD Model.	Additional Paragraph - Treaty Article 5(2)(i) states: the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the year of assessment concerned"; this is not in UN Model.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(2)(g)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months. This corresponds to Treaty Article 5(2)(g) but only where such site etc, continues for a period of more than six months".	UN Model Article 5(3)(a) corresponds to Treaty Article 5(2)(g), No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(3)(a)	OECD Model Article 5(4)(a) includes the term "delivery"; Treaty Article 5(3)(a) does not include "delivery".	UN Article 5(4)(a) - Treaty Article 5(3)(a)- No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(3)(b)	OECD Mode Article 5(4)(b) includes the term "delivery"; Treaty Article 5(3)(b) does not include "delivery".	UN Article 5(4)(b) - Treaty Article 5(3)(b)- No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(c)	Article 5(3)(c)	Corresponding Treaty Article 5(3)(c) - No Deviations.	UN Article 5(4)(c) - Treaty Article 5(3)(c)- No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(d)	Article 5(3)(d)	Corresponding Treaty Article 5(3)(d) - No Deviations.	UN Article 5(4)(d) - Treaty Article 5(3)(d)- No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(e)	Article 5(3)(e)	Corresponding Treaty Article 5(3)(e) states: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise"; where as the OECD Model Article states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character".	Treaty Article 5(3)(e) states: "solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities which have a preparatory or auxiliary character for the enterprise"; where as the UN Model Article 5(4)(e) states: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character".
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(4)(f)	Article 5(3)(f)	Corresponding Treaty Article 5(3)(f) - No Deviations.	UN Article 5(4)(f) - Treaty Article 5(3)(f)- No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(4)	Corresponding Treaty Article 5(4)(b) in an additional paragraph which states: "has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which such person regularly delivers goods or merchandise on behalf of the enterprise". Not in OECD Model.	UN Model Article 5 - Treaty Article 5 - No Deviations.
Swaziland	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6)"Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies". Not in Treaty Article 5.
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(5)	Corresponding Treaty Article 5(5) - No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(5), which states: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Swaziland	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(6)	Corresponding Treaty Article 5(6) - No Deviations.	UN Model Article 5(8) - Treaty Article 5(6) No Deviations.
Swaziland	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	UN Article 6(1) - Treaty Article 6(1) No Deviations.
Swaziland	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	No Deviations.	UN Article 6(2) - Treaty Article 6(2) No Deviations.
Swaziland	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	UN Model Article 6(3) - Treaty Article 6(3) No Deviations.
Swaziland	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) includes the phrase: "and to income from immovable property used for the performance of independent personal services", which is not included in Treaty Article 6(4).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment" - these are not in Treaty Article 7(1).
Swaziland	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Swaziland	Business profits	Business profits	Article 7(3)	Article 7(3)	No Deviations.	UN Model Article 7(3) includes an additional paragraph,, which states: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment". There are further limitations on payments to head office etc. This is not in the Treaty Article 7(3).
Swaziland	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Swaziland	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations." This is not in Treaty Article 7.
Swaziland	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Swaziland	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Swaziland	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	Treaty Article 8(1) includes "rail or road transport vehicles", not in OECD definition. Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".	Treaty Article 8(1) includes "rail or road transport vehicles", not in UN definition. Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1)(Alt A) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management".
Swaziland	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Swaziland	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Swaziland	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers, (c) profits derived from the rental of rail or road transport vehicles. No equivalent OECD Model Article 8.	Treaty Article 8(2) is an additional paragraph which states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers, (c) profits derived from the rental of rail or road transport vehicles. No equivalent UN Model Article 8.
Swaziland	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Corresponding Treaty Article 8(3) - No Deviations.	UN Model Article 8(4) - Treaty Article 8(3) No Deviations.
Swaziland	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Swaziland	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Swaziland	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This is not in Treaty Article 9.
Swaziland	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "but if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases". The Treaty Article 10(2) states: "(a) if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the dividends if the beneficial owner holds at least 25 per cent of the capital; and (b) 15 per cent in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "10 per cent of the gross amount of the dividends if the beneficial owner holds at least 25 per cent of the capital"; UN Model Article 10(2)(b) does not specify the percentage of tax "in all other cases; the Treaty Article states "15 per cent in all other cases".
Swaziland	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article10(3) definition.
Swaziland	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base; whereas the Treaty only refers to "permanent establishment".
Swaziland	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) refers to: "permanent establishment or fixed base; whereas Treaty Article 10(5) only refers to "permanent establishment".
Swaziland	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Swaziland	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the percentage of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. whereas the Treaty Article states: "the tax so charged shall not exceed 10 per cent of the gross amount of the interest".
Swaziland	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph not in OECD Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".	Treaty Article 11(3) is an additional paragraph not in UN Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if it is derived by the Government of the other Contracting State or a political subdivision or a local authority thereof, or any agency wholly owned and controlled by that Government or subdivision or authority".
Swaziland	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.
Swaziland	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) states that "the provisions of paragraph 1, 2 and 3 shall not apply"; whereas the OECD Model Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". Not a significant deviation.	Treaty Article 11(5) states that "the provisions of paragraph 1, 2 and 3 shall not apply"; whereas the UN Model Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". UN Model Article 11(4) includes the phrase: "or with (b) business activities referred to under (c) of paragraph 1 of article 7" which is not in corresponding Treaty Article 11(5). UN Model Article 11(4) includes the phrase: "or performs in that other State independent personal services from a fixed base situated therein" which is not in Treaty Article 11(5). UN Model Article 11(4) includes the phrase: "permanent establishment or fixed base" whereas Treaty Article 11(5) refers only to "permanent establishment".
Swaziland	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes the phrase: "permanent establishment or fixed base" whereas Corresponding Treaty Article 11(6) refers only to "permanent establishment".
Swaziland	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.
Swaziland	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State"; Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviation
Swaziland	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2) includes the phrase, not in OECD Model, that states: "However, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation. Treaty Article 12(2) states: "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".
Swaziland	Royalties	Royalties	Article 12(2)	Article 12(3)	Corresponding Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting" and " these are not in OECD Model.	UN Model Article 12(3) includes the terms: " or for the use of, or the right to use, industrial, commercial or scientific equipment ", which is not included in Treaty Article 12(3).
Swaziland	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) contains additional phrase: "or performs in that other State independent personal services from a fixed base situated therein", which is not in Corresponding Treaty Article 12(4). UN Model Article 12(4) includes an additional paragraph, not in Treaty Article 12(4), which states: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7". UN Model Article 12(4) includes the phrase: "permanent establishment or fixed base" whereas Treaty Article 12(4) refers only to "permanent establishment". UN Model Article 12(4) refers to "provisions Articles 7 and 14", whereas Treaty Article 12(4) refers only to Article 7".
Swaziland	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) - Treaty Article 12(5) - No Deviations
Swaziland	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Technical Fees	N/A	No OECD Reference	Article 13	Treaty Article 13 - Technical Fees, is not included in the OECD Model.	Treaty Article 13 - Technical Fees, is not included in the UN Model.
Swaziland	Capital gains	Capital gains	Article 13(1)	Article 14(1)	Corresponding Treaty Article 14(1) - No Deviations.	UN Model Article 13(1) -Treaty Article 14(1) - No Deviations.
Swaziland	Capital gains	Capital gains	Article 13(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 13(2) includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 14(2). UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty only includes: "permanent establishment".
Swaziland	Capital gains	Capital gains	Article 13(3)	Article 14(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 14(3), but Treaty includes: "rail or road transport vehicles". OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State". Treaty does not mention "place of effective management".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways" ; which is not included in Treaty Article 14(3), but Treaty includes: "rail or road transport vehicles". UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State". Treaty does not mention "place of effective management".
Swaziland	Capital gains	Capital gains	Article 13(4)	Article 14(4)	OECD Model states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; whereas Treaty Article states: "gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State", i.e. no mention of "more than 50 per cent of their value".	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; This is not in Treaty Article 13(4) .UN Model Article 13(4)(2) states: "for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate"; whereas Treaty Article does not mention "more than 50% of their value".
Swaziland	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ... per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State". The Treaty Article 14 does not contain this paragraph.
Swaziland	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and the Treaty does not include the Article on "Independent Personal Services".	UN Model Article 14 relates to "Independent Personal Services" which is not included in the Treaty.
Swaziland	Income from employment	Income from employment	Article 15(1)	Article 15(1)	No Deviations.	UN Model Article 15(1) - Treaty Article 14(1) - No Deviations.
Swaziland	Income from employment	Income from employment	Article 15(2)	Article 15(2)	No Deviations.	UN Model Article 15(2)(c) includes phrase "permanent establishment or fixed base"; whereas Treaty Article 14(2)(c) only refers to "permanent establishment".
Swaziland	Income from employment	Income from employment	Article 15(3)	Article 15(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3), but Treaty includes "rail or road transport vehicle"; OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship, aircraft rail or road transport vehicle operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3), but Treaty includes "rail or road transport vehicle"; UN Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship, aircraft rail or road transport vehicle operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Swaziland	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) -Treaty Article 16(1) - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article.
Swaziland	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 17(1)	No Deviations.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, and 14.
Swaziland	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 17(2)	No Deviations.	UN Model Article 17(1) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 17(1) refers to the provisions of Articles 7, and 14.
Swaziland	Pensions and annuities	Pensions	Article 18	Article 18	OECD Model refers to "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18(1) (Alt. A) refers to "pensions and other similar remuneration paid" and "in consideration of past employment shall be taxable only in that State"; Treaty Article 18(1) states: "pensions and other similar remuneration, and annuities arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 18(1) does not include the phrase: "in consideration with past employment".
Swaziland	Pensions and annuities	Pensions	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 18(2) refers to "payments made under a public scheme which is part of the social security system"; this is not included in Treaty Article 18.
Swaziland	Pensions and annuities	Pensions	No OECD Reference	No OECD Reference	Treaty Article 18(2) states: "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in OECD Model.	Treaty Article 18(2) states: "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is not included in UN Model.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Government service	Government service	Article 19(1)	Article 19(1)	No Deviations.	UN Model Article 19(1) - Treaty Article 19(1) - No Deviations.
Swaziland	Government service	Government service	Article 19(2)	Article 19(2)	No Deviations.	UN Model Article 19(2) - Treaty Article 19(2) - No Deviations.
Swaziland	Government service	Government service	Article 19(3)	Article 19(3)	No Deviations.	UN Model Article 19(3) - Treaty Article 19(3) - No Deviations.
Swaziland	Students, apprentices and business trainees	Students	Article 20	Article 20	OECD Model Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Swaziland	Other income	Other income	Article 21(1)	Article 21(1)	OECD Model Article states: "shall be taxable only in that state"; whereas Treaty Article 21 states: "may be taxed in that state".	UN Model Article 21(1) states: "shall be taxable only in that state"; whereas Treaty Article 21 states: "may be taxed in that state". UN Article 21(1) states: "items of income of a resident of a Contracting State, wherever arising", whereas Treaty Article 21 states: "items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Agreement shall be taxable only in that State".
Swaziland	Other income	Other income	Article 21(2)	No Treaty Reference	Treaty Article 21 does not have this second paragraph. OECD Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply".	Treaty Article 21 does not have this second paragraph. UN Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of article 7 or article 14, as the case may be, shall apply".
Swaziland	Other income	Other income	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 21(3) states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of this Convention and arising in the other Contracting State may also be taxed in that other State". This is not in the Treaty.
Swaziland	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Swaziland	Elimination of double taxation	23B Credit method	Article 23(1)	Article 22(1)	OECD Model Article 23B is the Credit method and Treaty Article 22 provides for the Credit Method for both countries. OECD Model Article 23(B)(1) refers to income and capital, whereas the Treaty does not mention "Capital".	UN Model Article 23B is the Credit method and Treaty Article 22 provides for the Credit Method for both countries. UN Model Article 23(B)(1) refers to income and capital, whereas the Treaty does not mention "Capital".
Swaziland	Elimination of double taxation	23B Credit method	Article 23(2)	Article 22(2)	OECD Model Article 23B (2) refers to "exempted income or capital". Treaty Article 22(2) includes phrase: "but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in South Africa or Swaziland, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph".	UN Model Article 23B (2) refers to "exempted income or capital". Treaty Article 22(2) includes phrase: "but for an exemption or reduction granted in accordance with laws which establish schemes for the promotion of economic development in South Africa or Swaziland, as the case may be, such schemes having been mutually agreed by the competent authorities of the Contracting States as qualifying for the purposes of this paragraph".
Swaziland	Elimination of double taxation	23B Credit method	No OECD Reference	Article 22(3)	Treaty Article 22(3) is an additional paragraph: "a grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws which establish schemes for the promotion of economic development", "shall not be taxable in the other State". This is not in the OECD Model Article 23B.	Treaty Article 22(3) is an additional paragraph: "a grant given by a Contracting State or a political subdivision thereof to a resident of the other Contracting State in accordance with laws which establish schemes for the promotion of economic development", "shall not be taxable in the other State". This is not in the UN Model Article 23B.
Swaziland	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 23(1) - No Deviations.
Swaziland	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 23 does not include this paragraph.
Swaziland	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(3)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 23(2) - No Deviations.
Swaziland	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(4)	OECD Model begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11, or paragraph 4 of Article 12 apply"; whereas Treaty Article 23(4) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 apply, or paragraph 6 of Article 13 apply". Treaty includes: "technical fees", whereas the OECD Model does not. OECD Model last sentence states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". This is not in the Treaty Article 23(4).	UN Model Article 24(4) begins: "except where the provisions of paragraph 1 of Article 9, paragraph 6 of Article 11 or paragraph 6 of Article 12 apply"; whereas Treaty Article 23(4) begins "except where the provisions of paragraph 1 of Article 9, paragraph 7 of Article 11, paragraph 6 of Article 12 or paragraph 6 of Article 13 apply". UN Model Article 24(4) includes an additional sentence, not in the Treaty Article 23(4), which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Swaziland	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(3)	Corresponding Treaty Article 23(3) - No Deviations.	UN Model Article 24(5) -Treaty Article 23(3) - No Deviations.
Swaziland	Non-discrimination	Non-discrimination	No OECD Reference	Article 23(5)	Treaty Article 23(5) is an additional paragraph, not in OECD Model, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Swaziland, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	Treaty Article 23(5) is an additional paragraph, not in UN Model, which states: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of Swaziland, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".
Swaziland	Non-discrimination	Non-discrimination	Article 24(6)	Article 23(6)	OECD Model states: "apply to taxes of every kind and description"; Corresponding Treaty Article 23(6) states: "the term "taxation" means taxes which are the subject of this Agreement".	UN Model Article 24(6) states: "apply to taxes of every kind and description"; Corresponding Treaty Article 23(6) states: "the term "taxation" means taxes which are the subject of this Agreement".
Swaziland	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 24(1)	Corresponding Treaty Article 24(1) - No Deviations.	UN Model Article 25(1) - Treaty Article 24(1) - No Deviations.
Swaziland	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 25(2) - Treaty Article 24(2) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Swaziland	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 24(3) - No Deviations.
Swaziland	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OECD Model includes the phrase: "including through a joint commission consisting of themselves or their representatives" Corresponding Treaty Article 24(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States".	UN Model includes the phrase: "including through a joint commission consisting of themselves or their representatives" Corresponding Treaty Article 24(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a joint commission consisting of representatives of the competent authorities of the Contracting States". UN Model Article 25(4) includes an additional phrase which states: "The competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". This is not in Treaty Article 24(4).
Swaziland	Exchange of information	Exchange of information	Article 26	Article 25	Corresponding Treaty Article 25 - No Deviations.	UN Model Article 26(1) contains an additional phrase "in particular for the prevention of fraud or evasion of such taxes"; and the additional phrase: "the competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance". These phrases are not included in Treaty Article 25".
Swaziland	Assistance in recovery	Assistance in the collection of taxes	Article 27	Article 27	OECD Article 27 " Assistance in the Collection of Taxes - Treaty Article 27 "Assistance in Recovery". OECD refers to "revenue claims as "amount owed in respect of taxes of every kind and description imposed", whereas the Treaty covers taxes referred to in Article 2. Treaty Article 27(2) states: "claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance" Treaty Article 27(3) states "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of the provisions of this Article". OECD Model Article 27 has additional paragraphs: 27(3) a person cannot prevent collection of the claim; 27(4) refers to measures of conservancy a State shall take; 27(5) states that a revenue claim "shall not, in that State, be subject to the time limits", or "accorded any priority applicable under the laws"; 27(6) holds that proceedings with respect to existence, validity etc of the revenue claim shall not be brought before the courts of the other State; 27(7) refers to procedure when a claim is withdrawn; 27(8) the provisions of this Article do not impose an obligation a) at a variance with its laws and administrative practice; b) measures contrary to public policy; c) to provide assistance if the other State has not pursued all reasonable measures of collection, and d) administrative burden.	Treaty Article 27 "Assistance in Recovery" - not in UN Model. The Treaty covers taxes referred to in Article 2, including interest and penalties". Treaty Article 27(2) states: "claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance". Treaty Article 27(3) states: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of the provisions of this Article".
Swaziland	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 26	Corresponding Treaty Article 26 - No Deviations.	UN Model Article 27 -Treaty Article 26 - No Deviations.
Swaziland	N/A	Territorial Extension	Article 29	No Treaty Reference	OECD Article 28 - Territorial Extension - No Treaty equivalent, refer Treaty Article 3 Definitions 3(1) and 3(1)(a).	No UN Model equivalent for Territorial Extension, nor in Treaty
Swaziland	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 28 - Treaty Article 28. The Treaty has specific rules for the "Entry into Force".
Swaziland	Termination	Termination	Article 31	Article 29	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article 29 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - Treaty Article 29. The Treaty has specific rules for termination. The beginning of the Treaty Article 28 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Tanzania	Entry into force: 14 June 2007 Conclusion date: 22 Sept. 2005				OECD Model 2005	UN Model 2001
Tanzania	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Tanzania	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income imposed".	UN Model Article 2(1) applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies to "taxes on income and imposed".
Tanzania	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article includes : "capital" and "total capital"; Treaty Article 2(2) does not include the term "capital". OECD Model Article includes an additional phrase: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". This is not in Treaty Article 2(2).	UN Model Article includes : "capital" and "total capital"; Treaty Article 2(2) does not include the term "capital". UN Model Article includes an additional phrase: "taxes on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation". This is not in Treaty Article 2(2).
Tanzania	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Tanzania. Treaty Article 2(3)(a)(ii) includes "secondary tax on companies (SA).	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Tanzania. Treaty Article 2(3)(a)(ii) includes "secondary tax on companies (SA).
Tanzania	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Model Article last phrase: "made in their taxation laws"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".	UN Model Article last phrase: "made to their tax law"; whereas Treaty Article 2(4) states: "made in their respective taxation laws".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa; (b) "the term "Tanzania" means the United Republic of Tanzania; The treaty further defines Namibia and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa; (b) "the term "Tanzania" means the United Republic of Tanzania; The treaty further defines Namibia and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Tanzania	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	Corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	Corresponding Treaty Article 3(1)(k) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Tanzania	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	OECD Model Article 3(1)(c) and Treaty Article 3(1)(g) states: "the term "enterprise" applies to the carrying on of any business". No Deviations.	Treaty Article 3(1)(g) states: "the term "enterprise" applies to the carrying on of any business"; this paragraph is not in UN Model Article 3(1).
Tanzania	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	The OECD Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(I) states: "any transport by a ship, aircraft or rail or road transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".	UN Article 3(1)(e) states that: "means any transport by a ship or aircraft operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "any transport by a ship, aircraft or rail or road transport vehicle operated by an enterprise of a Contracting State, except when the ship, aircraft or rail or road transport vehicle is operated solely between places in the other Contracting State".
Tanzania	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article 3(1)(g)(i) "national" - includes the term "citizenship", not in Treaty Article 3(1)(j)(i); OECD Model Article 3(1)(g)(ii) "Legal person" - includes "partnership"; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) "Legal person" - includes "partnership"; whereas Treaty Article 3(1)(i)(ii) omits the term "partnership".
Tanzania	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	OECD Model Article 3(1)(h) and Treaty Article 3(1)(d) define the term "business" as "includes the performance of professional services and of other activities of an independent character".	Treaty Article 3(1)(d) defines "business" as "includes the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Tanzania	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Tanzania	Resident	Resident	Article 4(1)	Article 4(1)	OECD Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) omits the phrase: "or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Article 4(1) contains the phrase "income from sources in that State or capital situated therein"; whereas Treaty Article 4(1) omits the phrase: "or capital situated therein".
Tanzania	Resident	Resident	Article 4(2)(a)	Article 4(2)(a)	OECD Model includes the word "only" - "deemed to be a resident only of the State in which he has a permanent home"; and "he shall be deemed to be a resident only of the State with which his personal and economic relations are closer", whereas the Treaty Article 4(2)(a) replaces "only" with "solely".	UN Model Article 4(2)(a) includes the word "only" - "deemed to be a resident only of the State in which he has a permanent home"; and "he shall be deemed to be a resident only of the State with which his personal and economic relations are closer", whereas the Treaty Article 4(2)(a) replaces "only" with "solely".
Tanzania	Resident	Resident	Article 4(2)(b)	Article 4(2)(b)	OECD Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).	UN Model Article 4(2)(b) begins with: "if the State in which he has his centre of vital interests cannot be determined, or if he has not a permanent home available to him in either State; whereas Treaty Article 4(b) begins with "if sole residence cannot be determined under the provisions of subparagraph (a).
Tanzania	Resident	Resident	Article 4(2)(c)	Article 4(2)(c)	OECD Article contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".	UN Article 4(2)(c) contains the phrase "deemed to be a resident only of the State of which he is a national"; Treaty Article 4(2)(c) replaces "only" with "solely".
Tanzania	Resident	Resident	Article 4(3)	Article 4(3)	OECD Article includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".	UN Model Article 4(3) includes the phrase: "deemed to be a resident only"; whereas Treaty Article 4(3) states : "deemed to be a resident solely".
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	OECD Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas OECD Model article 5(2)(f) refers only to "extraction of natural resources".	UN Model Article paragraph 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). Treaty Article 5(2)(f) includes "extraction or exploitation of natural resources"; whereas UN Model article 5(2)(f) refers only to "extraction of natural resources".
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)(a)	OECD Article 5(3) states: "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months"; corresponding Treaty Article 5(3)(a) states: "The term "permanent establishment likewise encompasses a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".	UN Model Article 5(3)(a) states "also encompasses a building site, a construction, assembly or installation project or supervisory activities in connection therewith, but only if such site, project or activities last more than six months"; whereas corresponding Treaty Article 5(3)(a) states: "likewise encompasses a building site, a construction, assembly or installation project or any supervisory activity in connection with such site or project, but only where such site, project or activity continues for a period of more than six months".
Tanzania	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(b)	Treaty Article 5(3)(b) states: "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by an enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned." This is not in OECD Model.	UN Article 5(3)(b) - Treaty Article 5(3)(b) - No Deviations
Tanzania	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(3)(c)	Treaty Article 5(3)(c) states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned." This is not in OECD Model.	Treaty Article 5(3)(c) states: "the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned." This is not in UN Model.
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5) initial paragraph and paragraph 5(a) are equivalent to Treaty Article 5. UN Model Article 5(5)(b) is an additional paragraph which states "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". Not in treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(6)	Treaty Article 5(6) states: "notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies". This is not in OECD Model Article 5.	UN Model Article 5(6) - Treaty Article 5(6) - No Deviations.
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(7)	Corresponding Treaty Article 5(7) - No Deviations.	UN Model Article 5(7) has an additional sentence, not in Treaty Article 5(7), which states: "however, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph".
Tanzania	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Corresponding Treaty Article 5(8) - No Deviations.	UN Model Article 5(8) - Treaty Article 5(8) No Deviations.
Tanzania	Income from immovable property	Income from immovable property	Article 6(1)-6(3)	Article 6(1)-6(3)	No Deviations.	UN Article 6(1)-6(3) -Treaty Article 6(1)-6(3) No Deviations.
Tanzania	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Article 6(4) includes an additional phrase: "and to income from immovable property used for the performance of independent personal services". This is not in Treaty Article 6(4).
Tanzania	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1)(a) and 7(1)(a) correspond to Treaty Article 7(1). The UN Model 7(1) has additional paragraphs: "(b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; these are not in the Treaty Article 7.
Tanzania	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Tanzania	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7.3 as an additional sentence: "however, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Treaty also has further limitations on payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations
Tanzania	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Tanzania	Business profits	Business profits	Article 7(5)	Article 7(5)	No Deviations.	There is no UN Model reference for Treaty Article 7(5), however, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations." This is not in Treaty Article 7.
Tanzania	Business profits	Business profits	Article 7(6)	Article 7(6)	No Deviations.	UN Article 7(5) - Treaty Article 7(6) No Deviations.
Tanzania	Business profits	Business profits	Article 7(7)	Article 7(7)	No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Tanzania	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the OECD Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management". Treaty Article also includes "road transport vehicles".	The Treaty Article 8(1) states that the profits (international traffic) "shall be taxable only in that State"; whereas the UN Model Article 8(1) states: "taxable only in the Contracting State in which the place of effective management of the enterprise is situated". Treaty does not refer to "place of effective management". Treaty Article also includes "road transport vehicles".
Tanzania	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Tanzania	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) states: "profits derived by an enterprise of a Contracting State from the operation of ships or rail transport vehicles in international traffic may be taxed in both Contracting States according to the law of each Contracting State. Provided that where such an enterprise derives profits from such operation in the other Contracting State, for the purposes of taxation in that other State: (a) such profits shall be deemed to be an amount not exceeding 5 per cent of the full amount received by the enterprise on account of the carriage of passengers or freight embarked in that other State; (b) the tax chargeable in that other State shall not exceed 50 per cent of the profits as calculated under the provisions of subparagraph (a)". This is not in OECD Model Article 8(2)	Treaty Article 8(2) states: "profits derived by an enterprise of a Contracting State from the operation of ships or rail transport vehicles in international traffic may be taxed in both Contracting States according to the law of each Contracting State. Provided that where such an enterprise derives profits from such operation in the other Contracting State, for the purposes of taxation in that other State: (a) such profits shall be deemed to be an amount not exceeding 5 per cent of the full amount received by the enterprise on account of the carriage of passengers or freight embarked in that other State; (b) the tax chargeable in that other State shall not exceed 50 per cent of the profits as calculated under the provisions of subparagraph (a)". This is not in UN Model Article 8(2)

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Tanzania	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(3)	Treaty Article 8(3) states: "Profits of an enterprise of a Contracting State from the use or rental of containers used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent OECD Model article.	Treaty Article 8(3) states: "Profits of an enterprise of a Contracting State from the use or rental of containers used for the transport in international traffic of goods or merchandise shall be taxable only in that State". No equivalent UN Model article.
Tanzania	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(4)	Treaty Article 8(4) states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic.(b) profits derived from the rental of rail or road transport vehicles, if such profits are incidental to the profits to which the provisions of paragraphs 1 and 2 apply". No equivalent OECD Model article.	Treaty Article 8(4) states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic.(b) profits derived from the rental of rail or road transport vehicles, if such profits are incidental to the profits to which the provisions of paragraphs 1 and 2 apply". No equivalent UN Model article.
Tanzania	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(5)	Corresponding Treaty Article 8(5) No Deviations.	UN Model Article 8(4) - Treaty Article 8(5) No Deviations.
Tanzania	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	UN Model Article 9(1) - Treaty Article 9(1) No Deviations.
Tanzania	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	OECD Model phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".	UN Model Article 9(2) phrase states: "then that other State shall make an appropriate adjustment"; whereas Treaty Article 9(2) states: "then that other State may make an appropriate adjustment".
Tanzania	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 9(3) is an additional paragraph which states: "the provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default".
Tanzania	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Tanzania	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model Article 10(2): if the beneficial owner is a resident of the other Contracting state then the tax charged shall not exceed (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends"; b) 15 per cent of the gross amount of the dividends in all other cases. Treaty Article 10(2)(a) limits the tax to 10 per cent, and the shareholding minimum is only 15 per cent; (b) 20 per cent in all other cases.	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends". Treaty Article 10(2)(a) states: "at least 15 per cent of the capital" but "taxation shall not exceed 10 per cent". UN Model Article 10(2)(b) does not specify the percentage "in all other cases"; the Treaty Article 10(2)(b) states: "20 per cent in all other cases".
Tanzania	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".	UN Model Article 10(3) includes in the definition of shares: " "jouissance" shares or "jouissance" rights, mining shares, founders' shares or other rights"; whereas Treaty Article 10(3) only states: "shares or other rights".
Tanzania	Dividends	Dividends	Article 10(4)	Article 10(4)	Treaty Article 10(4) No Deviations.	UN Model Article 10(4) includes an additional phrase "or performs in that other State independent personal services from a fixed base situated therein"; which is not in Treaty Article 10(4); and UN Model Article 10(4) refers to: "such permanent establishment or fixed base"; whereas Treaty Article 10(4) refers only to: "permanent establishment".
Tanzania	Dividends	Dividends	Article 10(5)	Article 10(5)	Treaty Article 10(5) No Deviations.	UN Model Article 10(5) includes "permanent establishment or fixed base"; whereas Treaty Article 10(5) only refers to "permanent establishment".
Tanzania	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) No Deviations.
Tanzania	Interest	Interest	Article 11(2)	Article 11(2)	No Deviations.	UN Model Article 11(2) does not specify the percentage of taxation, Treaty Article 11(2) limits tax to 10 per cent.
Tanzania	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is that Contracting State or a political subdivision or a local authority thereof; (b) the interest is paid to the other Contracting State or a political subdivision or a local authority or the central bank thereof". This is not in OECD Model.	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is that Contracting State or a political subdivision or a local authority thereof; (b) the interest is paid to the other Contracting State or a political subdivision or a local authority or the central bank thereof". This is not in UN Model.
Tanzania	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) -Treaty Article 11(4) - No Deviations.
Tanzania	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) includes a reference to the provisions of paragraphs 1,2 and 3, whereas the OECD Model Article only refers to 1 and 2. Not a significant deviation.	UN Model Article 11(4)(a) includes a phrase, which is not in Treaty Article 11(5), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model 11(4)(a) refers to "permanent establishment or fixed base", whereas Treaty Article 11(5) only refers to "permanent establishment"; UN Model 11(4)(b) is an additional paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7" not in Treaty;
Tanzania	Interest	Interest	Article 11(5)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(6) only refers to: "permanent establishment".
Tanzania	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) -Treaty Article 11(7) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State". The Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) -Treaty Article 12(1) - No Deviations
Tanzania	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty has an additional article 12(2), not in the OECD Model, which states: " however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties".	UN Model Article 12(2) corresponds to Treaty Article 12(2). The UN Model does not specify the tax %, and that the competent authorities will settle by mutual agreement. The Treaty Article 12(2) states "shall not exceed 10 per cent of the gross amount of the royalties".
Tanzania	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting".	UN Model Article 12(3) includes "the right to use, industrial, commercial or scientific equipment"; whereas Treaty Article 12(3) does not include this in the definition of Royalties.
Tanzania	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4)(a) includes a phrase, which is not in Treaty Article 12(4), which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model 12(4)(a) refers to "permanent establishment or fixed base", whereas Treaty Article 12(4) only refers to "permanent establishment"; UN Model 12(4)(b) is an additional paragraph: "or with (b) business activities referred to in (c) of paragraph 1 of Article 7" not in Treaty; UN Model Article (12)(4) references the provisions of Article 7 or Article 14; whereas Treaty Article 12(4) only references Article 7".
Tanzania	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated". There is no equivalent OECD Article.	UN Model Article 12(5) includes the phrase: "permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base"; whereas the phrase in Treaty Article 12(5) states: "a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected".
Tanzania	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Tanzania	Capital gains	Capital gains	Article 13(1)	Article 13(1)	No Deviations.	UN Model Article 13(1) -Treaty Article 13(1) - No Deviations.
Tanzania	Capital gains	Capital gains	Article 13(2)	Article 13(2)	No Deviations.	UN Model Article 13(2) - includes an additional phrase: "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services"; which is not Treaty Article 13(2). UN Model Article 13(2) uses the term "permanent establishment or fixed base" whereas the Treaty Model 13(2) only includes: "permanent establishment".
Tanzania	Capital gains	Capital gains	Article 13(3)	Article 13(3)	OECD Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). OECD Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".	UN Model includes the term; "boats engaged in inland waterways"; which is not included in Treaty Article 13(3). UN Model Article 13(3) states: "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 13(3) states: "gains of an enterprise of a Contracting State from the alienation of ships, aircraft or rail or road transport vehicles operated in international traffic or movable property pertaining to the operation of such ships, aircraft or rail or road transport vehicles, shall be taxable only in that State".
Tanzania	Capital gains	Capital gains	Article 13(4)	Article 13(4)	No Deviations.	UN Model Article 13(4) includes the alienation of "interests in a partnership, trust or estate"; and the property consists directly or indirectly principally of immovable property". UN Model Article 13(4) further states: "(1) nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities; (2) for the purposes of this paragraph, "principally" in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate".
Tanzania	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 13(5) Is an additional paragraph, not in the Treaty, which states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ___ per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State".
Tanzania	Capital gains	Capital gains	Article 13(5)	Article 13(5)	No Deviations.	UN Article 13(6) -Treaty Article 13(5) - No Deviations.
Tanzania	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and Treaty also does not include Article 14 - Independent Personal Services.	UN Model Article 14 relates to "Independent Personal Services" which is not included in the Treaty.
Tanzania	Income from employment	Income from employment	Article 15(1)	Article 14(1)	OECD Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17 and 18.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 14(1) references Articles 15, 17 and 18.
Tanzania	Income from employment	Income from employment	Article 15(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 14(2)(c) includes "permanent establishment or a fixed base"; whereas the Treaty Article 14(2)(c) only refers to "permanent establishment".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	Income from employment	Income from employment	Article 15(3)	Article 14(3)	OECD Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and OECD Article states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the OECD Model Article.	UN Model Article 14(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 14(3); and UN Model Article 14(3) states: "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states: "notwithstanding the preceding provisions of this Article, remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State". Treaty include the terms "rail or road transport" which is not in the UN Model Article.
Tanzania	Directors' fees	Directors' fees	Article 16	Article 15	Corresponding Treaty Article 15 - No Deviations.	UN Model Article 16(1) -Treaty Article 14 - No Deviations; UN Model Article 16(2) is an additional paragraph which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in the Treaty Article 15.
Tanzania	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 16(1)	OECD Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.	UN Article 17(1) refers to the provisions of Articles 14 and 15; whereas the Treaty Article 16(1) refers to the provisions of Articles 7 and 14.
Tanzania	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 16(2)	OECD Model Article refers to the provisions of Articles 7 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15; whereas the Treaty Article 16(2) refers to the provisions of Articles 7 and 14.
Tanzania	Entertainers and sportspersons	Artistes and sportsmen	No OECD Reference	Article 16(3)	Treaty Article 16(3) is an additional paragraph: "Notwithstanding the provisions of paragraph 1, income derived by an entertainer or sportsperson from that person's personal activities as such shall be exempt from tax in the Contracting State in which these activities are exercised if the activities are exercised within the framework of a visit which is wholly or mainly supported by the other Contracting State, a political subdivision or a local authority thereof". This is not in OECD Model Article 17.	Treaty Article 16(3) is an additional paragraph: "Notwithstanding the provisions of paragraph 1, income derived by an entertainer or sportsperson from that person's personal activities as such shall be exempt from tax in the Contracting State in which these activities are exercised if the activities are exercised within the framework of a visit which is wholly or mainly supported by the other Contracting State, a political subdivision or a local authority thereof". This is not in UN Model Article 17.
Tanzania	Pensions and annuities	Pensions	Article 18	Article 17(1)	The OECD Model states "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt. A) states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 17(1) states: "pensions and other similar remuneration, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State". Treaty Article 17(1) does not include the phrase: "in consideration with past employment".
Tanzania	Pensions and annuities	Pensions	No OECD Reference	Article 17(2)	Treaty Article 17(2) defines Annuities: "annuity" means "a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". OECD Model Article 18 does not include this paragraph.	Treaty Article 17(2) defines Annuities: "annuity" means "a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". UN Model Article 18 does not include this paragraph.
Tanzania	Pensions and annuities	Pensions	No OECD Reference	Article 17(3)	Treaty Article 17(3) is an additional paragraph: "Notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State, a political subdivision or a local authority thereof shall be taxable only in that State". OECD Model Article 18 does not include this paragraph.	UN Model Article 18(2) -Treaty Article 17(3) - No Deviations.
Tanzania	Government service	Government service	Article 19(1)	Article 18(1)	Corresponding Treaty Article 18(1)(a) includes an additional phrase: "other than a pension"; not in OECD Model.	UN Model Article 19(1) -Treaty Article 18(1) - No Deviations.
Tanzania	Government service	Government service	Article 19(2)	Article 18(2)	OECD Article refers to "pensions and other similar remuneration", Treaty Article 18(2) only refers to "pensions paid out".	UN Model Article 19(2) -Treaty Article 18(2) - No Deviations.
Tanzania	Government service	Government service	Article 19(3)	Article 18(3)	Corresponding Treaty Article 18(3) - No Deviations.	UN Model Article 19(3) -Treaty Article 18(3) - No Deviations.
Tanzania	Students and business apprentices	Students	Article 20	Article 19	OECD Model Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article states: " shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).
Tanzania	Other income	Other income	Article 21(1)	Article 20	OECD Article refers to: "items of income of a resident" and "wherever arising"; whereas corresponding Treaty Article 20 only states: "items of income arising". OECD Article 21(1) states: "shall be taxable only in that State", whereas Treaty Article 19 states "may be taxed in that other State".	UN Model Article 21(1) refers to: "items of income of a resident" and "wherever arising"; whereas corresponding Treaty Article 20 only states: "items of income arising". UN Article 21(1) states "shall be taxable only in that State", whereas Treaty Article 20 states "may be taxed in that other State".
Tanzania	Other income	Other income	Article 21(2)	No Treaty Reference	Corresponding Treaty Article 20 does not have this second paragraph. OECD Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment. In such case the provisions of Article 7 shall apply".	Corresponding Treaty Article 20 does not have this second paragraph. UN Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment or fixed base. In such case the provisions of article 7 or article 14, as the case may be, shall apply".
Tanzania	Other income	Other income	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 21(3) states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of this Convention and arising in the other Contracting State may also be taxed in that other State". This is not included in Treaty Article 20.
Tanzania	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	Elimination of double taxation	23B Credit method	Article 23(1)	Article 21(1)	OECD Model 23B is the Credit method, Treaty Article 21 provides for the Credit Method for both South Africa and Tanzania. Treaty Article 21(a) (SA) includes: "Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". Treaty Article 21(a) (Tanzania) includes: "Such credit shall not exceed the amount of the tax chargeable upon the income in respect of which the credit is to be allowed or upon each part of such income". Treaty does not refer to "capital;" where as OECD Model Article 23B(1) includes "capital".	UN Model 23B is the Credit method, Treaty Article 21 provides for the Credit Method for both South Africa and Tanzania. Treaty Article 21(a) (SA) includes: "Such deduction shall not, however, exceed an amount which bears to the total South African tax payable the same ratio as the income concerned bears to the total income". Treaty Article 21(a) (Tanzania) includes: "Such credit shall not exceed the amount of the tax chargeable upon the income in respect of which the credit is to be allowed or upon each part of such income". Treaty does not refer to "capital;" where as UN Model Article 23B(1) includes "capital".
Tanzania	Elimination of double taxation	23B Credit method	Article 23(2)	Article 21(2)	OECD Article 23(2) refers to exempt income, and that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not in the Treaty Article 21.	UN Article 23(2) refers to exempt income, and that "such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not in the Treaty Article 21.
Tanzania	Non-discrimination	Non-discrimination	Article 24(1)	Article 22(1)	Corresponding Treaty Article 22(1) - No Deviations.	UN Model Article 24(1) -Treaty Article 22(1) - No Deviations.
Tanzania	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty Article 22.	UN Model Article 24(2) pertains to "Stateless Persons"; Treaty Article 22 does not include this paragraph.
Tanzania	Non-discrimination	Non-discrimination	Article 24(3)	Article 22(2)	Corresponding Treaty Article 22(2) - No Deviations.	UN Model Article 24(3) -Treaty Article 22(2) - No Deviations.
Tanzania	Non-discrimination	Non-discrimination	Article 24(4)	Article 22(4)	OECD Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".	UN Model Article 24(4) includes an additional sentence, not in the Treaty Article which states: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State".
Tanzania	Non-discrimination	Non-discrimination	No OECD Reference	Article 22(5)	Treaty Article 22(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points; and (b) in Tanzania, a tax at a rate not exceeding ten per cent on the amount of the profits of the permanent establishment, after deduction of the corporation tax relating to such profits". Not in OECD Model.	Treaty Article 22(5) is an additional paragraph which states: "Nothing contained in this Article shall prevent a Contracting State from imposing on the profits attributable to a permanent establishment in that Contracting State of a company which is a resident of the other Contracting State: (a) in South Africa, a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points; and (b) in Tanzania, a tax at a rate not exceeding ten per cent on the amount of the profits of the permanent establishment, after deduction of the corporation tax relating to such profits". Not in UN Model.
Tanzania	Non-discrimination	Non-discrimination	Article 24(5)	Article 22(3)	Corresponding Treaty Article 22(3) - No Deviations.	UN Model Article 24(5) -Treaty Article 22(3) - No Deviations.
Tanzania	Non-discrimination	Non-discrimination	Article 24(6)	Article 22(6)	Corresponding Treaty Article 22(6) - No Deviations.	UN Model Article 24(6) -Treaty Article 22(6) - No Deviations.
Tanzania	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 23(1)	Corresponding Treaty Article 23(1) - No Deviations.	UN Model Article 25(1) - Treaty Article 23(1) - No Deviations.
Tanzania	Mutual agreement procedure	Mutual agreement procedure	Article 25(2)	Article 23(2)	Corresponding Treaty Article 23(2) - No Deviations.	UN Model Article 25(2) -Treaty Article 23(2) - No Deviations.
Tanzania	Mutual agreement procedure	Mutual agreement procedure	Article 25(3)	Article 23(3)	Corresponding Treaty Article 23(3) - No Deviations.	UN Model Article 25(3) -Treaty Article 23(3) - No Deviations.
Tanzania	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 23(4)	Corresponding Treaty Article 23(4) - No Deviations.	UN Model Article 25(4) also includes an additional paragraph: "the competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure". This is not corresponding Treaty Article 23(4).
Tanzania	Exchange of information	Exchange of information	Article 26(1)	Article 24(1)	Treaty Article 24(1)- first two sentences corresponds to OECD Model Article 26(1). The only difference is that the OECD Model refers to information "foreseeably relevant"; whereas the Treaty refers to information "as is necessary"	Entire UN Model Article 26(1) corresponds to entire Treaty Article 24(1); except UN Model has additional phrase: "in particular for the prevention of fraud or evasion of such taxes".
Tanzania	Exchange of information	Exchange of information	Article 26(2)	Article 24(1)	Corresponding Treaty Article 24(1) 3rd and 4th sentence corresponds to OECD Article 26(2), the only deviation is that the OECD Model includes the phrase: "or the oversight of the above".	Included in UN Model Article 26(1) above, No Deviations.
Tanzania	Exchange of information	Exchange of information	No OECD Reference	Article 24(1)	Treaty Article 24(1) contains a phrase: "The competent authorities shall, through consultation develop appropriate conditions, methods and techniques concerning the methods in respect-of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance"; this is not in OECD Model.	Included in UN Model Article 26(1) above, No Deviations.
Tanzania	Exchange of information	Exchange of information	Article 26(3)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 26(2) -Treaty Article 24(2) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Tanzania	Exchange of information	Exchange of information	Article 26(4)	No Treaty Reference	OECD Model states: "if information is requested by a Contracting State in accordance with this Article, the other Contracting State shall use its information gathering measures to obtain the requested information, even though that other State may not need such information for its own tax purposes. The obligation contained in the preceding sentence is subject to the limitations of paragraph 3 but in no case shall such limitations be construed to permit a Contracting State to decline to supply information solely because it has no domestic interest in such information". This is not included in Treaty Article 24	No UN Model or Treaty Article.
Tanzania	Exchange of information	Exchange of information	Article 26(5)	No Treaty Reference	OECD Model states: "In no case shall the provisions of paragraph 3 be construed to permit a Contracting State to decline to supply information solely because the information is held by a bank, other financial institution, nominee or person acting in an agency or a fiduciary capacity or because it relates to ownership interests in a person.". This is not included in Treaty Article 24.	No UN Model or Treaty Article.
Tanzania	Assistance in recovery	Assistance in the collection of taxes	Article 27(1)	Article 25(1)	OECD Model refers to "revenue claims" ; whereas Treaty Article 25(1) refers to "taxes referred to in Article 2". Treaty Article 25(1) also states: "to the extent permitted by their respective domestic law".	No UN Model equivalent for Treaty Article 25 "Assistance in Recovery".
Tanzania	Assistance in recovery	Assistance in the collection of taxes	No OECD Reference	Article 25(2) and 25(3)	Treaty Article 25 includes paragraphs not in the OECD Model: 25(2) "Claims which are the subject of requests for assistance shall not have priority over taxes owing in the Contracting State rendering assistance and the provisions of paragraph 1 of Article 24 shall also apply to any information which, by virtue of this Article, is supplied to the competent authority of a Contracting State" and 25(3) "It is understood that unless otherwise agreed by the competent authorities of both Contracting States, (a) ordinary costs incurred by a Contracting State in providing assistance shall be borne by that State, (b) extraordinary costs incurred by a Contracting State in providing assistance shall be borne by the other State and shall be payable regardless of the amount collected on its behalf by the first-mentioned State. As soon as a Contracting State anticipates that extraordinary costs may be incurred, it shall so advise the other Contracting State and indicate the estimated amount of such costs".	No UN Model equivalent for Treaty Article 25 "Assistance in Recovery".
Tanzania	Assistance in recovery	Assistance in the collection of taxes	Article 27(3) - 27(8)	No Treaty Reference	OECD Model Article 27 has additional paragraphs: 27(3)-27(8); these are not in the Treaty Article 25.	No UN Model equivalent for Treaty Article 25 "Assistance in Recovery".
Tanzania	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 26	Treaty Article 26 - No Deviations.	UN Model Article 27 -Treaty Article 26 - No Deviations.
Tanzania	N/A	Territorial Extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent	No UN Model equivalent for Territorial Extension, nor in Treaty
Tanzania	Amendments	N/A	No OECD Reference	Article 27	Treaty Article 27 is an additional Article "Amendments"; which states: "Amendments 1. The Contracting States may, at any time, amend this Agreement by mutual consent in writing through the diplomatic channel. 2. The amendments to the Agreement shall be ratified according to the procedures required by the domestic law of each Contracting State. The Contracting States shall notify each other of the completion of these procedures through the diplomatic channel. 3. The amendments shall enter into force on the date of receipt of the later of these notifications". Not an Article in the OECD Model.	Treaty Article 27 is an additional Article "Amendments"; which states: "Amendments 1. The Contracting States may, at any time, amend this Agreement by mutual consent in writing through the diplomatic channel. 2. The amendments to the Agreement shall be ratified according to the procedures required by the domestic law of each Contracting State. The Contracting States shall notify each other of the completion of these procedures through the diplomatic channel. 3. The amendments shall enter into force on the date of receipt of the later of these notifications". Not an Article in the UN Model.
Tanzania	Entry into force	Entry into force	Article 30	Article 28	Treaty Article 28 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 30. The Treaty has specific rules for the "Entry into Force".
Tanzania	Termination	Termination	Article 31	Article 29	Treaty Article 29 has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 31 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 31. The treaty has specific rules for termination. The beginning of the Treaty Article sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Uganda	Entry into force: 9 April 2001 Conclusion date: 27 May 1997				OECD Model 1996	UN Model 1980
Uganda	Personal scope	Persons covered	Article 1	Article 1	Treaty Article 1 - No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Uganda	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Model Article applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies "taxes on income imposed"	UN Model Article 2(1) applies to: "taxes on income and on capital imposed"; whereas Treaty Article 2(1) applies "taxes on income imposed".
Uganda	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Model Article includes an additional sentence: "as well as taxes on capital appreciation". Not in Treaty Article 2(2).	UN Model Article 2(2) includes an additional sentence: "as well as taxes on capital appreciation". Not in Treaty Article 2(2).
Uganda	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Uganda. Other than "income" taxes; Treaty Article 2(3)(a)(ii) the secondary tax on companies (SA).	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa and Uganda. Other than "income" taxes; Treaty Article 2(3)(a)(ii) the secondary tax on companies (SA).
Uganda	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Model Article 2(4) states: "Contracting States shall notify each other of changes"; whereas Treaty Article 2(4) states: "Contracting States shall notify each other of any significant changes". OECD Model Article 2(4) includes the phrase: "at the end of each year"; which is not in Treaty Article 2(4).	UN Model Article 2(4) states: "Contracting States shall notify each other of changes"; whereas Treaty Article 2(4) states: "Contracting States shall notify each other of any significant changes". UN Model Article 2(4) includes the phrase: "at the end of each year"; which is not in Treaty Article 2(4).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa", (b) the term "Uganda" means the Republic of Uganda". The treaty further defines Uganda and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 28 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa", (b) the term "Uganda" means the Republic of Uganda". The treaty further defines Uganda and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Uganda	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(i)	"Person" : Treaty Article 3(1)(i) additional phrase: "treated as an entity for tax purposes"; which is not in the OECD Model Article 3(1)(a).	"Person" :Treaty Article 3(1)(i) additional phrase: "treated as an entity for tax purposes"; which is not in the UN Model Article 3(1)(a).
Uganda	General definitions	General definitions	Article 3(1)(d) <i>(now 3(1)(e))</i>	Article 3(1)(g)	"International Traffic": OECD Model Article 3(1)(d) states: "operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(g) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".	"International Traffic": UN Model Article 3(1)(d) states: "operated by an enterprise that has its place of effective management in a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(g) states: "operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State".
Uganda	General definitions	General definitions	Article 3(1)(f)	Article 3(1)(h)(ii)	"Legal person": OECD Model Article 3(1)(f)(ii) includes the term "partnership"; whereas Treaty Article 3(1)(h)(ii) omits the term "partnership".	"Legal person": UN Model Article - No definition for "nationals" included in paragraph 3(1), refer Article 24(2) which defines "nationals", also, UN Model Article 24(2)(b) includes "partnerships" which is not included in the Treaty definition of "National".
Uganda	General definitions	General definitions	Article 3(2)	Article 3(2)	OECD Model Article begins with " as regards the application of this convention"; whereas Treaty Article 3(2) begins: "in the application of the provisions of the Convention"; OECD Model Article includes the phrase "any term not defined herein"; whereas Treaty Article 3(2) states "any term not otherwise defined herein". OECD Model includes an additional sentence: "any meaning under the applicable tax laws of that State prevailing over a meaning, given to the term under other laws of that State", this is not in Treaty Article 3(2).	UN Model Article 3(2) begins with " as regards the application of this convention"; whereas Treaty Article 3(2) begins: "in the application of the provisions of the Convention"; UN Model Article 3(2) includes the phrase "any term not defined herein"; whereas Treaty Article 3(2) states "any term not otherwise defined herein".
Uganda	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model Article 4(1) states: "resident" "means "any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature, and also includes that State and any political subdivision or local authority thereof". Treaty Article 4(1) states: "the term "resident" "means any individual who is ordinarily resident in that State and any legal person which has its place of management in that State, or any other person who under the tax laws of that State is a resident of that State". OECD Model Article contains second sentence: "this term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein", which is not in Treaty Article 4(1).	UN Model Article 4(1) states: "resident" "means any person who, under the laws of that State, is liable to tax therein by reason of his domicile, residence, place of management or any other criterion of a similar nature". Treaty Article 4(1) states: "the term "resident" " means any individual who is ordinarily resident in that State and any legal person which has its place of management in that State, or any other person who under the tax laws of that State is a resident of that State". The treaty does not contain the phrase "in respect only of income from sources in that State or capital situated therein".
Uganda	Resident	Resident	Article 4(2)	Article 4(2)	No Deviations for paragraphs 4(2)(a) to 4(2)(d).	No Deviations for paragraphs 4(2)(a) to 4(2)(d).
Uganda	Resident	Resident	Article 4(3)	Article 4(3)	OECD Model Article 4(3) states: "a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article 4(3) states: "person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall settle the question by mutual agreement".	UN Model Article 4(3) states: "a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated"; whereas Treaty Article 4(3) states: "person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall settle the question by mutual agreement".
Uganda	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Model Article 5(1) - Treaty Article 5(1) - No Deviations.
Uganda	Permanent Establishment	Permanent Establishment	Article 5(2) (a) - (f)	Article 5(2) (a) - (e) and (h)	OECD Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). OECD Article 5(2)(f) states "a mine, an oil or gas well, a quarry or any other place of extraction of natural resources" - corresponds to Treaty Article 5(2)(h).	UN Article paragraphs 5(2)(a) to (e) are the same as Treaty paragraphs 5(2)(a) to (e). UN Article 5(2)(f) states "a mine, an oil or gas well, a quarry or any other place of extraction of natural resources" - corresponds to Treaty Article 5(2)(h).
Uganda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(f)	Treaty Article 5(2)(f) is an additional paragraph, not in OECD Model Article 5, which states: "any premises used as a sales outlet or for receiving or soliciting orders".	Treaty Article 5(2)(f) is an additional paragraph, not in UN Model Article 5, which states: "any premises used as a sales outlet or for receiving or soliciting orders".
Uganda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(g)	Treaty Article 5(2)(g) is an additional paragraph, not in OECD Model Article 5, which states: "a warehouse in relation to a person providing storage facilities for others".	Treaty Article 5(2)(g) is an additional paragraph, not in UN Model Article 5, which states: "a warehouse in relation to a person providing storage facilities for others".
Uganda	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(2)(i)	Treaty Article 5(2)(i) is an additional paragraph, not in OECD Model Article 5, which states: "an installation or structure used for the exploration or exploitation of natural resources".	Treaty Article 5(2)(i) is an additional paragraph, not in UN Model Article 5, which states: "an installation or structure used for the exploration or exploitation of natural resources".
Uganda	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Article 5(3) states: "a building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months". Treaty Article 5(3) states: "A building site, a construction, installation or assembly project or any supervisory activity in connection with such site or project constitutes a permanent establishment only if it lasts more than six months".	UN Model Article 5(3)(a) Treaty Article 5(3)(a) - No Deviations
Uganda	Permanent Establishment	Permanent Establishment	No OECD Reference	No OECD Reference	No OECD or Treaty reference.	UN Model Article 5(3)(b) states: "The furnishing of services, including consultancy services, by an enterprise through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project) within the country for a period or periods aggregating more than six months within any 12-month period". This is not in Treaty Article 5.
Uganda	Permanent Establishment	Permanent Establishment	Article 5(4)(a)	Article 5(4)(a)	OECD Model includes the term "delivery", which is not included in Treaty Article 5(4)(a).	UN Article 5(4)(a) - Treaty Article 5(4)(a) - No deviations.
Uganda	Permanent Establishment	Permanent Establishment	Article 5(4)(b)	Article 5(4)(b)	OECD Model includes the term "delivery", which is not included in Treaty Article 5(4)(b).	UN Article 5(4)(a) - Treaty Article 5(4)(b) - No deviations.
Uganda	Permanent Establishment	Permanent Establishment	Article 5(4)(c) - 5(4)(f)	Article 5(4)(c) - 5(4)(f)	No Deviations.	UN Article 5(4)(c) - 5(4)(f) Treaty Article 5(4)(c) - 5(4)(f) - No deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(a) - Treaty Article 5(5)(a) - No Deviations.
Uganda	Permanent Establishment	Permanent Establishment	No OECD reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(5)(b), states: "Has no such authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise". This is not in Treaty Article 5.
Uganda	Permanent Establishment	Permanent Establishment	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 5(6) in an additional paragraph, not in Treaty, which states: "Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to re-insurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 7 applies".
Uganda	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	Article 5(6) includes an additional sentence not in OECD Model: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, he or she will not be considered an agent of an independent status within the meaning of this paragraph".	UN Model Article 5(7) - Treaty Article 5(6) - No Deviations
Uganda	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(7)	No Deviations.	UN Model Article 5(8) - Treaty Article 5(7) No Deviations.
Uganda	Income from immovable property	Income from immovable property	Article 6(1)-6(4)	Article 6(1)-6(4)	No Deviations.	UN Article 6(1) - 6(4) Treaty Article 6(1) - 6(4) No Deviations.
Uganda	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Article 7(1) and 7(1)(a)- Treaty Article 7(1) - No Deviations. UN Model Article includes additional paragraphs: (b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment"; not in Treaty Article 7(1).
Uganda	Business profits	Business profits	Article 7(2)	Article 7(2)	No Deviations.	UN Article 7(2) - Treaty Article 7(2) No Deviations.
Uganda	Business profits	Business profits	Article 7(3)	Article 7(3)	Treaty Article 7(3) has an additional paragraph that is not in the OECD Model Article 7(3) which states: "However, no such deduction shall be allowed in respect of amounts, if any, paid (otherwise than towards reimbursement of actual expenses) by the permanent establishment to the head office of the enterprise or any of its other offices, by way of royalties, fees or other similar payments in return for the use of patents or other rights, or by way of commission, for specific services performed or for management, or, except in the case of a banking enterprise, by way of interest on moneys lent to the permanent establishment. Treaty also has further limitations on payments to head office.	UN Article 7(3) - Treaty Article 7(3) No Deviations
Uganda	Business profits	Business profits	Article 7(4)	Article 7(4)	No Deviations.	UN Article 7(4) - Treaty Article 7(4) No Deviations.
Uganda	Business profits	Business profits	Article 7(5)	No Treaty Reference	OECD Model Article 7(5), which is not in Treaty Article 7, states "No profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	Both UN Article 7 and Treaty Article 7 do not contain this paragraph. UN Model has a note which states: "(NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations.)" This is not in Treaty Article 7.
Uganda	Business profits	Business profits	Article 7(6)	Article 7(5)	Corresponding Treaty Article 7(5) - No Deviations.	UN Article 7(5) - Treaty Article 7(5) No Deviations.
Uganda	Business profits	Business profits	Article 7(7)	Article 7(6)	Corresponding Treaty Article 7(6) - No Deviations.	UN Article 7(6) - Treaty Article 7(7) No Deviations.
Uganda	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	OECD Model states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State"; whereas Treaty Article 8(1) states: "profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State". Treaty does not refer to "place of effective management"	UN Model Article 8(1) states "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State"; whereas Treaty Article 8(1) states: "profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State". Treaty does not refer to "place of effective management"
Uganda	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.
Uganda	Shipping and air transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) states: "for the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent OECD Model Article 8.	Treaty Article 8(2) states: "for the purposes of this Article, profits from the operation of ships or aircraft in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the use or rental of containers, if such profits are incidental to the profits to which the provisions of paragraph 1 apply". No equivalent UN Model Article 8.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Uganda	Shipping and air transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Corresponding Treaty Article 8(3) - No Deviations.	UN Model Article 8(4) - Treaty Article 8(3) No Deviations.
Uganda	Associated enterprises	Associated enterprises	Article 9(1) - 9(2)	Article 9(1) - 9(2)	No Deviations.	UN Model Article 9(1) and 9(2) - Treaty Article 9(1) and 9(2) No Deviations.
Uganda	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	UN Model Article 10(1) - Treaty Article 10(1) No Deviations.
Uganda	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Article states: "if the beneficial owner of the dividends is a resident of the other Contracting State, the tax so charged shall not exceed: a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; b) 15 per cent of the gross amount of the dividends in all other cases"; whereas Treaty Article 10(2) states: "shall not exceed: (a) 10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends; or (b) 15 per cent of the gross amount of the dividends in all other cases".	UN Model Article 10(2)(a) does not specify the limit of the taxation, but states: "at least 10 per cent of the capital of the company paying the dividends"; whereas the Treaty Article 10(2) states: "10 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends; or (b) 15 per cent of the gross amount of the dividends in all other cases".
Uganda	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Article definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.	UN Model Article 10(3) definition of dividends includes: "jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which are not included in Treaty Article 10(3) definition.
Uganda	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) - Treaty Article 10(4) - No Deviations.
Uganda	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Model Article 10(5) - Treaty Article 10(5) - No Deviations.
Uganda	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	UN Model Article 11(1) - Treaty Article 11(1) - No Deviations.
Uganda	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model Article has an additional phrase: "the competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation" this is not in Treaty Article 11(2).	UN Model Article 11(2) does not specify the per cent of taxation, but does allow for a tax limitation if it the resident is beneficial owner of the interest. The percentage shall be settled by mutual agreement. The Treaty Article 11(2) states: "if the recipient is the beneficial owner of the interest, the tax so charged shall not exceed 10 per cent of the gross amount of the interest". No mention of "mutual agreement" in this Treaty Article.
Uganda	Interest	Interest	No OECD Reference	Article 11(3)	Treaty Article 11(3) is an additional paragraph not in OECD Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State: (a) if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof or any agency wholly owned by that Government or subdivision or authority; or (b) if, subject to the agreement of the competent authorities, it is derived and beneficially owned by a resident of the other Contracting State and the loan or debt-claim in respect of which it arises is guaranteed or insured by the Government of the other Contracting State or a political subdivision or a local authority thereof or any agency wholly owned by that Government or subdivision or authority".	Treaty Article 11(3) is an additional paragraph not in UN Model, which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State: (a) if it is derived and beneficially owned by the Government of the other Contracting State or a political subdivision or a local authority thereof or any agency wholly owned by that Government or subdivision or authority; or (b) if, subject to the agreement of the competent authorities, it is derived and beneficially owned by a resident of the other Contracting State and the loan or debt-claim in respect of which it arises is guaranteed or insured by the Government of the other Contracting State or a political subdivision or a local authority thereof or any agency wholly owned by that Government or subdivision or authority".
Uganda	Interest	Interest	Article 11(3)	Article 11(4)	Corresponding Treaty Article 11(4) - No Deviations.	UN Model Article 11(3) - Treaty Article 11(4) - No Deviations.
Uganda	Interest	Interest	Article 11(4)	Article 11(5)	Corresponding Treaty Article 11(5) states that "The provisions of paragraph 1, 2 and 3 shall not apply"; whereas the OECD Article 11(4) states: "the provisions of paragraphs 1 and 2 shall not apply". Not a significant deviation.	UN Model Article 11(4) includes a phrase, which is not in Treaty Article 11(7)(5), which states: or with (b) business activities referred to in (c) of paragraph 1 of article 7".
Uganda	Interest	Interest	Article 11(5)	Article 11(6)	Treaty Article 11(6) includes a phrase: "when the payer is that State itself, a political subdivision, a local authority or a resident"; OECD Model only states: "when the payer is a resident". Not a significant deviation	UN Model Article 11(5) - Treaty Article 11(6) - No Deviations
Uganda	Interest	Interest	Article 11(6)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model Article 11(6) - Treaty Article 11(7) - No Deviations.
Uganda	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State shall be taxable only in that other State if such resident is the beneficial owner of the royalties"; Treaty Article 12(1) states: "Royalties arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in that other State".	UN Model Article 12(1) - Treaty Article 12(1) - No Deviations.
Uganda	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2) states: "however, such royalties may also be taxed in the Contracting State in which they arise, and according to the laws of that State, but if the recipient is the beneficial owner of the royalties, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties". This paragraph is not in the OECD Model.	UN Model Article 12(2) allows the tax to be limited, but does not specify the limitation, but states that: "The competent authorities of the Contracting States shall by mutual agreement settle the mode of application of this limitation". Treaty Article 12(2) states: "but if the recipient is the beneficial owner of the royalties, the tax so charged shall not exceed 10 per cent".
Uganda	Royalties	Royalties	Article 12(2)	Article 12(3)	Treaty Article 12(3) includes additional items in the Royalties definition: "films, tapes or discs used for radio or television broadcasting". This is not included in OECD Model.	UN Model Article 12(3) includes additional terms: "right to use, industrial, commercial or scientific equipment"; which is not included in Treaty Article 12(3).
Uganda	Royalties	Royalties	Article 12(3)	Article 12(4)	Corresponding Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) includes additional paragraph: "(b) business activities referred to in (c) of paragraph 1 of article 7". This is not in Treaty Article 12(4).

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty Article 12(5) is not in the OECD Model, and states: "Royalties shall be deemed to arise in a Contracting State when the payer is that State itself, a political subdivision, a regional or local authority or a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated".	UN Model Article 12(5) -Treaty Article 12(5) - No Deviations
Uganda	Royalties	Royalties	Article 12(4)	Article 12(6)	Corresponding Treaty Article 12(6) - No Deviations.	UN Model Article 12(6) -Treaty Article 12(6) - No Deviations.
Uganda	Technical fees	N/A	No OECD Reference	Article 13	Treaty Article 13 - Technical Fees, is not included in the OECD Model.	Treaty Article 13 - Technical Fees, is not included in the UN Model.
Uganda	Capital gains	Capital gains	Article 13(1)	Article 14(1)	Corresponding Treaty Article 14(1) - No Deviations.	UN Model Article 13(1) -Treaty Article 14(1) - No Deviations.
Uganda	Capital gains	Capital gains	Article 13(2)	Article 14(2)	Corresponding Treaty Article 14(2) - No Deviations.	UN Model Article 13(2) - Treaty Article 14(2) - No Deviations.
Uganda	Capital gains	Capital gains	Article 13(3)	Article 14(3)	OECD Model includes the term; "boats engaged in inland waterways transport"; which is not included in Treaty Article 14(3). OECD Model states: "gains from the alienation of ships or aircraft operated in international traffic, boats engaged in inland waterways transport or movable property pertaining to the operation of such ships, aircraft or boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 14(3) states that these gains "shall be taxable only in that State".	UN Model Article 13(3) includes the term; "boats engaged in inland waterways transport"; not in Treaty Article 14(3). UN Model states: "gains from the alienation of ships or aircraft operated in international traffic, boats engaged in inland waterways transport or movable property pertaining to the operation of such ships, aircraft or boats, shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 13(3) states that these gains "shall be taxable only in that State".
Uganda	Capital gains	Capital gains	No OECD Reference	Article 13(4)	No OECD or Treaty reference in the 1996 OECD Model.	UN Model Article 13(4) states: "Gains from the alienation of shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State". Treaty Article 14 does not contain this paragraph.
Uganda	Capital gains	Capital gains	No OECD Reference	No Treaty Reference	No OECD or Treaty reference in the 1998 OECD Model.	UN Model Article 13(5) states: "Gains from the alienation of shares other than those mentioned in paragraph 4 representing a participation of ... per cent (the percentage is to be established through bilateral negotiations) in a company which is a resident of a Contracting State may be taxed in that State.". Treaty Article 14 does not contain this paragraph.
Uganda	Capital gains	Capital gains	Article 13(4)	Article 14(4)	Corresponding Treaty Article 14(4) - No Deviations.	UN Article 13(6) -Treaty Article 14(4) - No Deviations.
Uganda	Independent personal services	Independent personal services	Article 14(1)	Article 15(1)	Treaty Article 14(1) includes additional sentence: "For the purposes of this provision, where an individual who is a resident of a Contracting State stays in the other Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned or was present in that other State in the fiscal year concerned and in each of the two preceding years for periods exceeding in aggregate more than 122 days in each such year, he shall be deemed to have a fixed base regularly available to him in that other State and the income that is derived from his activities that are performed in that other State shall be attributable to that fixed base". This is not in OECD Model.	UN Model Article 14(1) includes additional paragraphs: "(b) If his stay in the other Contracting State is for a period or periods amounting to or exceeding in the aggregate 183 days in the fiscal year concerned; in that case, only so much of the income as is derived from his activities performed in that other State may be taxed in that other State; or (c) If the remuneration for his activities in the other Contracting State is paid by a resident of that Contracting State or is borne by a permanent establishment or a fixed base situated in that Contracting State and exceeds in the fiscal year ... (the amount is to be established through bilateral negotiations). Not Treaty 14(1).
Uganda	Independent personal services	Independent personal services	Article 14(2)	Article 15(2)	Corresponding Treaty Article 15(2) - No Deviations.	UN Model Article 14(2) -Treaty Article 15(2) - No Deviations.
Uganda	Dependent personal services	Dependent personal services	Article 15(1)	Article 16(1)	OECD Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 16(1) references Articles 17, 19 and 20.	UN Model Article 15(1) references the provisions of Articles 16, 18 and 19, whereas Treaty Article 16(1) references Articles 17, 19 and 20.
Uganda	Dependent personal services	Dependent personal services	Article 15(2)	Article 16(2)	Corresponding Treaty Article 16(2) includes an additional phrase: "or was present in that other State in the fiscal year concerned and in each of the two preceding years for periods exceeding in aggregate more than 122 days in each such year". This is not in OECD Model Article.	Corresponding Treaty Article 16(2) includes an additional phrase: "or was present in that other State in the fiscal year concerned and in each of the two preceding years for periods exceeding in aggregate more than 122 days in each such year". This is not in UN Model Article.
Uganda	Dependent personal services	Dependent personal services	Article 15(3)	Article 16(3)	OECD Model Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 16(3); OECD Model Article states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic"; "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 16(3) states: "remuneration in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".	UN Model Article 14(3) includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 16(3); UN Model Article 14(3) states: "remuneration derived in respect of an employment exercised aboard a ship or aircraft operated in international traffic"; "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 16(3) states: "remuneration in respect of an employment exercised aboard a ship or aircraft operated in international traffic by an enterprise of a Contracting State may be taxed in that State".
Uganda	Directors' fees	Directors' fees	Article 16	Article 17	Corresponding Treaty Article 17 - No Deviations.	UN Model Article 16(1) -Treaty Article 17 - No Deviations; UN Model Article 16(2) states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State". This is not in Treaty.
Uganda	Entertainers and sportspersons	Artistes and sportsmen	Article 17(1)	Article 18(1)	OECD Model Article refers to the provisions of Articles 14 and 15, whereas Corresponding Treaty Article 18(1) refers to the provisions of Articles 7, 15 and 16.	UN Model Article 17(1) refers to the provisions of Articles 14 and 15, whereas Corresponding Treaty Article 18(1) refers to the provisions of Articles 7, 15 and 16.
Uganda	Entertainers and sportspersons	Artistes and sportsmen	Article 17(2)	Article 18(2)	OECD Model Article refers to the provisions of Articles 7, 14 and 15, whereas Corresponding Treaty Article 18(2) refers to the provisions of Articles 7, 15 and 16.	UN Model Article 17(2) refers to the provisions of Articles 7, 14 and 15, whereas Corresponding Treaty Article 18(2) refers to the provisions of Articles 7, 15 and 16.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	Pensions and annuities	Pensions	Article 18	Article 19(1)	OECD Model states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 19(1) states: "pensions and other similar remuneration and annuities arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in the first-mentioned State". Treaty Article 19(1) does not include the phrase: "in consideration with past employment".	UN Model Article 18 (Alt. A) states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State"; whereas Treaty Article 19(1) states: "pensions and other similar remuneration and annuities arising in a Contracting State and paid to a resident of the other Contracting State may be taxed in the first-mentioned State". Treaty Article 19(1) does not include the phrase: "in consideration with past employment".
Uganda	Pensions and annuities	Pensions	No OECD Reference	Article 19(2)	Treaty Article 19(2) is an additional paragraph which states: "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". There is no such paragraph in OECD Model Article 18.	Treaty Article 19(2) is an additional paragraph which states: "The term "annuity" means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". There is no such paragraph in UN Model Article 18.
Uganda	Pensions and annuities	Pensions	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 18(2) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 1, pensions paid and other payments made under a public scheme which is part of the social security system of a Contracting State or a political subdivision or a local authority thereof shall be taxable only in that State", this is not in Treaty Article 19.
Uganda	Government service	Government service	Article 19(1)	Article 20(1)	OECD Article 19(1) refers to: "salaries, wages and other similar remuneration, other than a pension"; whereas Treaty Article 20(1) refers only to: "remuneration, other than a pension".	UN Model Article 19(1) - Treaty Article 20(1) - No Deviations.
Uganda	Government service	Government service	Article 19(2)	Article 20(2)	Corresponding Treaty Article 20(2) - No Deviations.	UN Model Article 19(2) - Treaty Article 20(2) - No Deviations.
Uganda	Government service	Government service	Article 19(3)	Article 20(3)	OECD Model refers to the provisions of Articles 15, 16, 17 and 18, whereas Treaty Article 20(3) refers to the provisions of Articles 16,17 and 19.	UN Model Article 19(3) refers to the provisions of Articles 15, 16, and 18, whereas Treaty Article 20(3) refers to the provisions of Articles 16,17 and 19.
Uganda	Students and apprentices	Students	Article 20	Article 21	OECD Article states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result).	UN Model Article 20(1) states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 21 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first-mentioned State". (Wording difference but the same result). UN Model Article 20(2) is an additional paragraph which refers to "grants, scholarships and remuneration from employment not covered by paragraph 1", this is not in Treaty Article 21.
Uganda	Other income	Other income	Article 21(1)	Article 22(1)	OECD Model Article 21(1) states items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State"; whereas Treaty Article 22 states: "items of income arising in a Contracting State which are not dealt with in the foregoing Articles of this Convention may be taxed in that State".	UN Model Article 21(1) states items of income of a resident of a Contracting State, wherever arising, not dealt with in the foregoing Articles of this Convention shall be taxable only in that State"; whereas Treaty Article 22 states: "items of income arising in a Contracting State which are not dealt with in the foregoing Articles of this Convention may be taxed in that State".
Uganda	Other income	Other income	Article 21(2)	Article 22(2)	Corresponding Treaty Article 22 does not have this second paragraph. OECD Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment". In such case the provisions of Article 7 or article 14 shall apply", other than income from immovable property.	Corresponding Treaty Article 22 does not have this second paragraph. UN Article 21(2) refers to: "income is paid is effectively connected with such permanent establishment". In such case the provisions of article 7 or article 14, as the case may be, shall apply", other than income from immovable property.
Uganda	Other income	Other income	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 21(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing articles of this Convention and arising in the other Contracting State may also be taxed in that other State". This is not included in Treaty Article 22.
Uganda	N/A	Capital	Article 22	No Treaty Reference	OECD Article is "Taxation of Capital" - this Article is not in the Treaty.	UN Model Article 22 is "Taxation of Capital" - this Article is not in the Treaty.
Uganda	Elimination of double taxation	23B Credit method	Article 23	Article 23	OECD Model Article 23B is the Credit Method, and the Treaty Article 23 allows for the Credit Method for both countries Treaty only the refers to "income" and "total income", the OECD Model 23B(1)(a) refers to income and capital. Treaty Article 23 includes special provisions: 23(2) - "but for an exemption or reduction granted in accordance with laws designed to promote economic development in that Contracting State"; 23(3) - "but for an exemption or reduction granted in accordance with laws designed to promote economic development in that Contracting State". This is not in OECD Model. The OECD Model 23B(2) is an additional paragraph not in the Treaty, which states: "Where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".	UN Model Article 23B is the Credit Method, and the Treaty Article 23 allows for the Credit Method for both countries Treaty only the refers to "income" and "total income", the UN Model 23B(1)(a) refers to income and capital. Treaty Article 23 includes special provisions: 23(2) - "but for an exemption or reduction granted in accordance with laws designed to promote economic development in that Contracting State"; 23(3) - "but for an exemption or reduction granted in accordance with laws designed to promote economic development in that Contracting State". This is not in UN Model. The UN Model 23B(2) is an additional paragraph not in the Treaty, which states: "Where in accordance with any provision of the Convention income derived or capital owned by a resident of a Contracting State is exempt from tax in that State, such State may nevertheless, in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital".
Uganda	Non-discrimination	Non-discrimination	Article 24(1)	Article 24(1)	No Deviations.	UN Model Article 24(1) -Treaty Article 24(1) - No Deviations.
Uganda	Non-discrimination	Non-discrimination	No OECD Reference	No OECD Reference	OECD and Treaty define "National" in Article 3(1).	UN Model Article 24(2) defines Nationals: a) all individuals possessing the nationality of a Contracting State; (b) All legal persons, partnerships and associations deriving their status as such from the laws in force in a Contracting State". Refer Treaty Article 3(1)(h).
Uganda	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Model pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.	UN Model Article 24(3) pertains to "Stateless Persons"; Treaty Article 24 does not include this paragraph.
Uganda	Non-discrimination	Non-discrimination	Article 24(3)	Article 24(2)	Corresponding Treaty Article 24(2) - No Deviations.	UN Model Article 24(4) - Treaty Article 24(2) - No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Uganda	Non-discrimination	Non-discrimination	Article 24(4)	Article 24(4)	Treaty includes: "technical fees", whereas the OECD Model does not. OECD Model Article 24(4) has an additional paragraph: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first- mentioned State" This is not in the Treaty.	Treaty includes: "technical fees", whereas the UN Model does not. UN Model Article 24(5) has an additional paragraph: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first- mentioned State" This is not in the Treaty.
Uganda	Non-discrimination	Non-discrimination	Article 24(5)	Article 24(3)	Corresponding Treaty Article 24(3) - No Deviations.	UN Model Article 24(6) -Treaty Article 24(3) - No Deviations.
Uganda	Non-discrimination	Non-discrimination	Article 24(6)	Article 24(5)	OECD Model states: "The provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description"; whereas Treaty Article 24(5) states: "in this Article the term "taxation" means taxes which are the subject of this Convention".	UN Model Article 24(7) states: "the provisions of this Article shall, notwithstanding the provisions of Article 2, apply to taxes of every kind and description"; whereas Treaty Article 24(5) states: "in this Article the term "taxation" means taxes which are the subject of this Agreement".
Uganda	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)	Article 25(1) - 25(3)	No Deviations for paragraphs 25(1) to 25(3).	UN Model Article 25(1) to 25(3) - Treaty Article 25(1) to 25(3) - No Deviations.
Uganda	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 25(4)	OECD Model Article 25(4) includes an additional phrase which states: "including through a joint commission consisting of themselves or their representatives". Treaty Article 25(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".	UN Model Article 25(4) includes an additional phrase which states: "the competent authorities, through consultations, shall develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this article. In addition, a competent authority may devise appropriate unilateral procedures, conditions, methods and techniques to facilitate the above-mentioned bilateral actions and the implementation of the mutual agreement procedure"; whereas Treaty Article 25(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".
Uganda	Exchange of information	Exchange of information	Article 26(1) to 26(2)	Article 26(1) to 26(2)	Treaty Article 26(1) includes the phrase: "in particular for the prevention of fraud or evasion of such taxes" which is not included in OECD Model Article 26(1).	UN Model Article 26(1) includes the phrase: "The competent authorities shall, through consultation, develop appropriate conditions, methods and techniques concerning the matters in respect of which such exchanges of information shall be made, including, where appropriate, exchanges of information regarding tax avoidance" which is not included in Treaty Article 26(1).
Uganda	Assistance in Recovery	N/A	No OECD Reference	Article 27	Treaty Article 27 "Assistance in Recovery" No equivalent in the 1998 OECD Model.	Treaty Article 27 "Assistance in Recovery" No equivalent in the UN Model.
Uganda	Members of diplomatic missions and consular posts	Diplomatic agents or consular officers	Article 27	Article 28	No deviations.	Treaty Article 28 refers to "members of diplomatic missions or consular posts"; whereas UN Article 27 refers to: "diplomatic agents or consular officers".
Uganda	N/A	Territorial Extension	Article 28	No Treaty Reference	OECD Article 28 - Territorial Extension - No Treaty equivalent, however refer Article 3(1)(a) and (b) for Contracting States geographical scope.	No UN Model equivalent for Territorial Extension, nor in Treaty.
Uganda	Entry into force	Entry into force	Article 29	Article 29	Treaty Article 29 has specific rules for the "Entry into Force".	UN Model Article 28 - equivalent article Treaty Article 29. The Treaty has specific rules for the "Entry into Force".
Uganda	Termination	Termination	Article 30	Article 30	Treaty Article 30 has specific rules for termination. The beginning of the Treaty Article 30 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. OECD Model Article 30 does not contain the phrase: "shall remain in force indefinitely".	UN Model Article 29 - equivalent Treaty Article 30. The treaty has specific rules for termination. The beginning of the Treaty Article 30 sentence is "Treaty shall remain in force indefinitely" and further gives rules for the termination. UN Model Article 29 does not contain the phrase: "shall remain in force indefinitely".
Zimbabwe	Entry into force: 1 Dec. 2016 Conclusion date: 4 Aug. 2015				OECD Model 2014	UN Model 2011
Zimbabwe	Persons covered	Persons covered	Article 1	Article 1	Treaty Article 1- No Deviations.	UN Model Article 1 - Treaty Article 1: No Deviations.
Zimbabwe	Taxes covered	Taxes covered	Article 2(1)	Article 2(1)	OECD Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".	UN Article applies to "taxes on income and on capital" where as Treaty Article (2) 1 only applies to "taxes on income".
Zimbabwe	Taxes covered	Taxes covered	Article 2(2)	Article 2(2)	OECD Article refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. Furthermore, the OECD Article includes the phrase "on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", whereas the Treaty does not include this phrase.	UN Article refers to "taxes on income and on capital all taxes imposed on total income, on total capital, or on elements of income or of capital" whereas Treaty Article 2(2) does not contain the term "capital" at all. Furthermore, the UN Article includes the phrase "on the total amounts of wages or salaries paid by enterprises, as well as taxes on capital appreciation", whereas the Treaty does not include this phrase.
Zimbabwe	Taxes covered	Taxes covered	Article 2(3)	Article 2(3)	OECD Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa (all income related) and Zimbabwe includes "capital gains tax".	UN Model - Article is for states to specify taxes. Treaty Article 2(3) lists applicable taxes included for South Africa (all income related) and Zimbabwe includes is "capital gains tax".
Zimbabwe	Taxes covered	Taxes covered	Article 2(4)	Article 2(4)	OECD Model Article 2(4) phrase states: "significant changes made in their taxation laws"; whereas the Treaty Article 2(4) phrase states: "significant changes that have been made in their respective taxation laws".	UN Model Article 2(4) phrase "significant changes made to their tax law"; whereas the Treaty Article 2(4) phrase states: "significant changes that have been made in their respective taxation laws".
Zimbabwe	General definitions	General definitions	No OECD Reference	Article 3(1)(a) and 3(1)(b)	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa"; (b) the term ""Zimbabwe" means the Republic of Zimbabwe. The treaty further defines Zimbabwe and South Africa. The OECD Model Article 3 "General Definitions" does not contain the definitions of the States, however refer OECD Model Article 29 "Territorial Extension".	Treaty includes an additional paragraph to define the Contracting States and geographic scope - (a) the term "South Africa" means the Republic of South Africa"; (b) the term ""Zimbabwe" means the Republic of Zimbabwe. The treaty further defines Zimbabwe and South Africa. The UN Model Article 3 "General Definitions" does not contain the definitions of the States.
Zimbabwe	General definitions	General definitions	Article 3(1)(a)	Article 3(1)(k)	The term "person" in corresponding Treaty Article 3(1)(k) includes additional terms: "estate" and "trust" and includes the phrase: "that is treated as an entity for tax purposes" this is not in OECD Model.	The term "person" in corresponding Treaty Article 3(1)(k) includes additional terms: "estate" and "trust" and includes the phrase: "that is treated as an entity for tax purposes" this is not in UN Model.
Zimbabwe	General definitions	General definitions	Article 3(1)(c)	Article 3(1)(g)	Corresponding Treaty Article 3(g) - No Deviations- both paragraphs define the term "enterprise".	Treaty Article 3(1)(g) defines the term "enterprise applies to the carrying on of any business", whereas UN Model Article 3(1) does not have such a definition for "enterprise".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	General definitions	General definitions	Article 3(1)(e)	Article 3(1)(i)	OECD Article in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft, road or rail transport vehicle is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management". Treaty Article 3(1)(i) also includes: "road or rail transport vehicle" in the definition of "international traffic".	UN Article 3(1)(d) in the definition of "International Traffic" specifically states: "operated by an enterprise that has its place of effective management in a Contracting State except when the ship or aircraft is operated solely between places in the other Contracting State"; whereas corresponding Treaty Article 3(1)(i) states: "operated by an enterprise of a Contracting State, except when the ship, aircraft, road or rail transport vehicle is operated solely between places in the other Contracting State". The Treaty makes no mention to "place of effective management". Treaty Article 3(1)(i) also includes: "road or rail transport vehicle" in the definition of "international traffic".
Zimbabwe	General definitions	General definitions	Article 3(1)(g)	Article 3(1)(j)	OECD Model Article 3(1)(g)(i) "National" - includes the term: "citizenship", not in Treaty Article 3(1)(j)(i); OECD Model Article 3(1)(g)(ii) "Legal Person" - includes the terms: "any legal person, partnership or association" ; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".	UN Model Article 3(1)(f)(ii) "Legal Person" - includes the terms: "any legal person, partnership or association" ; whereas Treaty Article 3(1)(j)(ii) omits the term "partnership".
Zimbabwe	General definitions	General definitions	Article 3(1)(h)	Article 3(1)(d)	Corresponding Treaty Article 3(1)(d) paragraph defines the term "business", No Deviations.	Treaty Article 3(1)(d) defines "business" as "includes the performance of professional services and of other activities of an independent character"; whereas the UN Model Article 3(1) does not define "business".
Zimbabwe	General definitions	General definitions	Article 3(2)	Article 3(2)	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas OECD Model Article 3(2) omits the term "provisions".	Treaty Article 3(2) begins with "as regards the application of the provisions of the Agreement"; whereas UN Model Article 3(2) omits the term "provisions".
Zimbabwe	Resident	Resident	Article 4(1)	Article 4(1)	OECD Model paragraph second sentence states "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein". The treaty does not contain the phrase "in respect only of income from sources in that State or capital situated therein".	UN Model Article 4(1) contains the phrase "place of incorporation" which is not in Treaty Article 4(1). UN Model Article 4(1) paragraph second sentence states "This term, however, does not include any person who is liable to tax in that State in respect only of income from sources in that State or capital situated therein". The Treaty Article 4(1) second sentence does not contain the phrase "or capital situated therein".
Zimbabwe	Resident	Resident	Article 4(2)	Article 4(2)	OECD Model Article 4(2) uses the phrase "resident only"; whereas Treaty Article 4(2) refers to: "resident solely".	UN Model Article 4(2) 4(2) uses the phrase "resident only"; whereas Treaty Article 4(2) refers to: "resident solely".
Zimbabwe	Resident	Resident	Article 4(3)	Article 4(3)	The OECD Model states: "person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". Treaty Article 4(3) states: "where by reason of the provisions of paragraph 1 of this Article, a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to determine the mode of application of the Agreement to the person. In the absence of such agreement by the competent authorities of the Contracting States, the person shall not be entitled to any relief or exemption from tax provided by the Agreement".	The UN Model Article 4(3) states: "Where by reason of the provisions of paragraph 1 a person other than an individual is a resident of both Contracting States, then it shall be deemed to be a resident only of the State in which its place of effective management is situated". Treaty Article 4(3) states: "person other than an individual" states: "Where by reason of the provisions of paragraph 1 of this Article, a person other than an individual is a resident of both Contracting States, the competent authorities of the Contracting States shall by mutual agreement endeavour to determine the mode of application of the Agreement to the person. In the absence of such agreement by the competent authorities of the Contracting States, the person shall not be entitled to any relief or exemption from tax provided by the Agreement".
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(1)	Article 5(1)	No Deviations.	UN Article 5(1) No Deviations.
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(2)	Article 5(2)	Paragraphs 5(2)(a) to 5(2)(e) of the OECD Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the OECD Model refers to the "place of extraction of natural resources" which corresponds to Treaty paragraph 5(2)(g). The Treaty also has additional paragraphs for permanent establishments: ("f) warehouse, in relation to a person providing storage facilities for others"; ("h) an installation or structure used for exploration for natural resources".	Paragraphs 5(2)(a) to 5(2)(e) of the UN Model are the same as the paragraphs in the Treaty - No Deviations. Paragraph 5(2)(f) of the UN Model refers to the "place of extraction of natural resources" which corresponds to Treaty paragraph 5(2)(g). Treaty also has additional paragraphs for permanent establishments: ("f) warehouse, in relation to a person providing storage facilities for others"; ("h) an installation or structure used for exploration for natural resources".
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(3)	Article 5(3)	OECD Model includes "building site or construction or installation project constitutes a permanent establishment only if it lasts more than twelve months", whereas Treaty Article 5(3)(a) states that "the activity continues for more than six months", and includes terms: "assembly" and "any supervisory activity in connection with such site or project". The Treaty also has additional paragraphs not in the OECD Model: 5(3)(b) "the furnishing of services, including consultancy services, by an enterprise through employees or other personnel" with the time frame "exceeding in the aggregate 90 days in any twelve-month period commencing or ending in the fiscal year concerned"; and 5(3)(c) "the performance of professional services or other activities of an independent character by an individual" time frame: "exceeding in the aggregate 183 days within any twelvemonth period commencing or ending in the year of assessment concerned".	The UN Model Article 5(3)(a) and the Treaty are aligned, No Deviations (i.e. both six months); UN Model Article 5(3)(b) states: "in any 12-month period "; whereas Treaty Article 5(3)(b): "states: "within any 12-month period". Treaty Article 5(3)(c) is an additional paragraph, not in UN Model. which states: "the performance of professional services or other activities of an independent character by an individual"; and the time frame: "exceeding in the aggregate 183 days within any twelvemonth period commencing or ending in the year of assessment concerned".
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(4)	Article 5(4)	No Deviations.	UN Model Article 5(4)(a) and (b) refer to "purpose of storage or display of goods"; whereas Treaty Articles 5(4)(a) and (b) refer to "storage, display or delivery of goods".
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(5)	Article 5(5)	No Deviations.	UN Model Article 5(5)(b), an additional paragraph, states: "Has no authority, but habitually maintains in the first-mentioned State a stock of goods or merchandise from which he regularly delivers goods or merchandise on behalf of the enterprise", not Treaty Article (5)(5).
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(6)	Article 5(6)	No Deviations.	UN Model Article 5(7) has an additional sentence: "However, when the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise, and conditions are made or imposed between that enterprise and the agent in their commercial and financial relations which differ from those which would have been made between independent enterprises, he will not be considered an agent of an independent status within the meaning of this paragraph". Not in the Treaty Article 5(6).
Zimbabwe	Permanent Establishment	Permanent Establishment	No OECD Reference	Article 5(7)	Treaty Article 5(7) is an additional paragraph which states: Notwithstanding the preceding provisions of this Article, an insurance enterprise of a Contracting State shall, except in regard to reinsurance, be deemed to have a permanent establishment in the other Contracting State if it collects premiums in the territory of that other State or insures risks situated therein through a person other than an agent of an independent status to whom paragraph 6 applies".	UN Model Article 5(6) - Treaty Article 5(7) No Deviations.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	Permanent Establishment	Permanent Establishment	Article 5(7)	Article 5(8)	Corresponding Treaty Article 5(8) - No Deviations.	UN Article 5(8) - Treaty Article 5(8) - No Deviations.
Zimbabwe	Income from immovable property	Income from immovable property	Article 6(1)	Article 6(1)	No Deviations.	No Deviations.
Zimbabwe	Income from immovable property	Income from immovable property	Article 6(2)	Article 6(2)	OECD Model Article 6(2) also excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.	UN Model Article 6(2) excludes "boats" from "immoveable property"; whereas Treaty Article 6(2) does not.
Zimbabwe	Income from immovable property	Income from immovable property	Article 6(3)	Article 6(3)	No Deviations.	No Deviations.
Zimbabwe	Income from immovable property	Income from immovable property	Article 6(4)	Article 6(4)	No Deviations.	UN Model Article 6(4) includes an additional phrase "income from immovable property used for the performance of independent personal services".
Zimbabwe	Business profits	Business profits	Article 7(1)	Article 7(1)	No Deviations.	UN Model Article 7(1)(a) - Treaty Article 7(1) No Deviations. UN Model additional paragraphs: (b) sales in that other State of goods or merchandise of the same or similar kind as those sold through that permanent establishment; or (c) other business activities carried on in that other State of the same or similar kind as those effected through that permanent establishment". These are not in Treaty Article 7(1).
Zimbabwe	Business profits	Business profits	Article 7(2)	Article 7(2)	OECD Article 7(2) includes the phrases that are not in Treaty Article 7(2): refers to the purposes of "Article [23A] [23B]"; and "the profits it might be expected to make, in particular in its dealings with other parts of the enterprise" and "taking into account the functions performed, assets used and risks assumed". OECD Article 7(2) states: "separate and independent enterprise"; whereas Treaty refers to "distinct and separate enterprise"	UN Model 7(2) and Treaty Model Article 7(2) - No Deviations.
Zimbabwe	Business profits	Business profits	Article 7(3)	Article 7(4)	OECD Article holds that the other state shall "to the extent necessary", "make an appropriate adjustment to the amount of tax charged" and "in determining such adjustment, the competent authorities of the Contracting States shall if necessary consult each other"; whereas Corresponding Treaty Article 7(4) states: "in so far as it has been customary in a Contracting State to determine the profits to be attributed to a permanent establishment on the basis of an apportionment of the total profits of the enterprise to its various parts, nothing in paragraph 2 shall preclude that Contracting State from determining the profits to be taxed by such an apportionment as may be customary. The method of apportionment adopted shall, however, be such that the result shall be in accordance with the principles contained in this Article".	Corresponding UN Article - 7(4) Treaty Article 7(4) - No Deviations.
Zimbabwe	Business profits	Business profits	Article 7(4)	Article 7(7)	Corresponding Treaty Article 7(7) - No Deviations.	Corresponding UN Article 7(6) and Treaty Article 7(7) - No Deviations.
Zimbabwe	Business profits	Business profits	No OECD Reference Article 7(3) <i>Deleted from 2010 onwards</i>	Article 7(3)	Treaty Article 7(3) is not in the OECD Model Article 7; pertains to deductions permissible which are incurred for the purposes of the business of the permanent establishment including executive and general administrative expenses so incurred, whether in the State in which the permanent establishment is situated or elsewhere"; The Treaty Article further details what deductions are permissible, particularly payments made to head office.	UN Article 7(3) and Treaty Article 7(3) - No Deviations
Zimbabwe	Business profits	Business profits	No OECD Reference (Article 7(5) deleted from 2010 onwards)	Article 7(5)	Treaty Article 7(5) is an additional paragraph, which is not in the OECD Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise".	Tax Treaty Article 7(5) is an additional paragraph, which is not in the UN Model, and it states: "no profits shall be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods or merchandise for the enterprise". However, UN Model has a note which states: "NOTE: the question of whether profits should be attributed to a permanent establishment by reason of the mere purchase by that permanent establishment of goods and merchandise for the enterprise was not resolved. It should therefore be settled in bilateral negotiations." This is not in Treaty Article 7.
Zimbabwe	Business profits	Business profits	No OECD Reference (Article 7(6) deleted from 2010 onwards)	Article 7(6)	Treaty Article 7(6) is an additional paragraph, which is not in the OECD Model, and it states: "For the purposes of the preceding paragraphs, the profits to be attributed to the permanent establishment shall be determined by the same method year by year unless there is good and sufficient reason to the contrary".	UN Article 7(5) and corresponding Treaty Article 7(6) - No Deviations.
Zimbabwe	International transport	Shipping, inland waterways transport and air transport	Article 8(1)	Article 8(1)	OECD Model states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated". The Treaty Article 8(1) states "Profits of an enterprise of a Contracting State from the operation of ships, aircraft or road or rail transport vehicles in international traffic shall be taxable only in that State", thus there is no mention of "Place of Effective Management" in the Treaty.	UN Model Article 8(1) states: "profits from the operation of ships or aircraft in international traffic shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated". The Treaty Article 8(1) states "Profits of an enterprise of a Contracting State from the operation of ships, aircraft or road or rail transport vehicles in international traffic shall be taxable only in that State", thus there is no mention of "Place of Effective Management" in the Treaty.
Zimbabwe	International transport	Shipping, inland waterways transport and air transport	Article 8(2)	No Treaty Reference	OECD Model is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.	UN Model Article 8(2) is in relation to "profits from the operation of boats engaged in inland waterways transport". This paragraph is not in Article 8 of the Treaty.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	International transport	Shipping, inland waterways transport and air transport	No OECD Reference	Article 8(2)	Treaty Article 8(2) paragraph, not in OECD Model, states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles, (c) profits derived from the use or rental of containers".	Treaty Article 8(2) paragraph, not in UN Model Article 8, states: "For the purposes of this Article, profits from the operation of ships, aircraft or rail or road transport vehicles in international traffic shall include: (a) profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, (b) profits derived from the rental of rail or road transport vehicles, (c) profits derived from the use or rental of containers".
Zimbabwe	International transport	Shipping, inland waterways transport and air transport	Article 8(3)	No Treaty Reference	OECD Model pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.	UN Model Article 8(3) pertains to "the place of effective management of a shipping enterprise or of an inland waterways transport enterprise is aboard a ship or boat" - this paragraph is not in Article 8 of the Treaty.
Zimbabwe	International transport	Shipping, inland waterways transport and air transport	Article 8(4)	Article 8(3)	Treaty Article 8(3) - No Deviations.	UN Model Article 8(4) and corresponding Treaty Article 8(3) - No Deviations.
Zimbabwe	Associated enterprises	Associated enterprises	Article 9(1)	Article 9(1)	No Deviations.	No Deviations.
Zimbabwe	Associated enterprises	Associated enterprises	Article 9(2)	Article 9(2)	No Deviations.	UN Model Article 9(2) - Treaty Article 9(2) No Deviations.
Zimbabwe	Associated enterprises	Associated enterprises	No OECD Reference	No Treaty Reference	No Treaty reference	UN Model contains an additional paragraph 9(3) which states "The provisions of paragraph 2 shall not apply where judicial, administrative or other legal proceedings have resulted in a final ruling that by actions giving rise to an adjustment of profits under paragraph 1, one of the enterprises concerned is liable to penalty with respect to fraud, gross negligence or wilful default". This paragraph is not in the Treaty (or the OECD Model).
Zimbabwe	Dividends	Dividends	Article 10(1)	Article 10(1)	No Deviations.	No Deviations.
Zimbabwe	Dividends	Dividends	Article 10(2)	Article 10(2)	OECD Model paragraph 10(2)(a) states that "the tax so charged shall not exceed 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; whereas the Treaty Article 10(2)(a) states that "5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends". OECD Model under paragraph (b) allows for 15 per cent in all other cases; whereas the Treaty Article 10(2)(b) allows for 10 per cent in all other cases	UN Model paragraph 10(2)(a) states that "the tax so charged shall not exceed _ per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 10 per cent of the capital of the company paying the dividends; whereas the Treaty Article 2(a) states that "5 per cent of the gross amount of the dividends if the beneficial owner is a company which holds at least 25 per cent of the capital of the company paying the dividends". The Treaty under paragraph (b) allows for 10 per cent in all other cases; whereas the UN Model 10(2)(b) does not specify the percentage for all other cases, but states that it is to be established through bilateral negotiations".
Zimbabwe	Dividends	Dividends	Article 10(3)	Article 10(3)	OECD Model includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which Treaty Article 10(3) does not.	UN Model Article 10(3) includes: "'jouissance" shares or "jouissance" rights, mining shares, founders' shares"; which Treaty Article 10(3) does not.
Zimbabwe	Dividends	Dividends	Article 10(4)	Article 10(4)	No Deviations.	UN Model Article 10(4) contains an additional phrase that is not in Treaty Article 10(4) , which states: "or performs in that other State independent personal services from a fixed base situated therein". UN Model Article 10(4) also refers to a "permanent establishment or fixed base"; Treaty Article only includes: "permanent establishment". The UN Model also states that "in such case article 7 or Article 14 shall apply"; Treaty Article 10(4) only references Article 7.
Zimbabwe	Dividends	Dividends	Article 10(5)	Article 10(5)	No Deviations.	UN Article 10(5) contains the phrase: "permanent establishment or a fixed base"; whereas Treaty Article 10(5) only refers to: "permanent establishment ".
Zimbabwe	Interest	Interest	Article 11(1)	Article 11(1)	No Deviations.	No Deviations.
Zimbabwe	Interest	Interest	Article 11(2)	Article 11(2)	OECD Model phrase states: the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the interest"; whereas Treaty Article 11(2) states: "the tax so charged shall not exceed 5 per cent of the gross amount of the interest".	Treaty Article 11(2) limits the tax to 5 per cent; whereas UN Model does not specify the taxation limit.
Zimbabwe	Interest	Interest	No OECD Reference	Article 11(3) and 11(4)	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is the Government of that Contracting State or a political subdivision or a local authority thereof; or (b) the interest is paid to the Government of the other Contracting State, (c) the interest is paid by the Central Bank of that Contracting State or to the Central Bank of the other Contracting State; or (d) the interest is paid to any institution or body which is wholly owned, directly or indirectly, by the other Contracting State; (e) the interest arises in respect of any debt instrument listed on a recognised stock exchange. Treaty Article 11 (4) defines the term "Stock Exchange";	Treaty Article 11(3) is an additional paragraph which states: "Notwithstanding the provisions of paragraph 2, interest arising in a Contracting State shall be exempt from tax in that State if: (a) the payer of the interest is that Contracting State or a payer of the interest is the Government of that Contracting State etc (b) the interest is paid to the Government of the other Contracting State, (c) the interest is paid by the Central Bank of that Contracting State or to the Central Bank of the other Contracting State; or (d) the interest is paid to any institution or body which is wholly owned, directly or indirectly, by the other Contracting State; (e) the interest arises in respect of any debt instrument listed on a recognised stock exchange. Treaty Article 11 (4) defines the term "Stock Exchange";
Zimbabwe	Interest	Interest	Article 11(3)	Article 11(5)	Corresponding Treaty Article 11(5) - No Deviations.	UN Article 11(3) - Treaty Article 11(5) - No Deviations.
Zimbabwe	Interest	Interest	Article 11(4)	Article 11(6)	Corresponding Treaty Article 11(6) - No Deviations.	UN Model Article 11(4) includes a phrase: "independent personal services from a fixed base situated therein,"; which is not in Treaty Article 11(6). UN Model Article 11(4) also contains paragraph (b) which states: " business activities referred to in (c) of paragraph 1 of Article 7"; which is not in Treaty Article 11(6). The UN Model states that: "in such cases the provisions of Article 7 or Article 14 apply"; whereas the Treaty only references "Article 7".

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	Interest	Interest	Article 11(5)	Article 11(7)	Corresponding Treaty Article 11(7) - No Deviations.	UN Model 11(5) includes: "permanent establishment or fixed base"; whereas Treaty Article 11(7) refers to: "permanent establishment".
Zimbabwe	Interest	Interest	Article 11(6)	Article 11(8)	Corresponding Treaty Article 11(8) - No Deviations.	UN Article 11(6) - 11(8) - No Deviations.
Zimbabwe	Royalties	Royalties	Article 12(1)	Article 12(1)	OECD Article states: "Royalties arising in a Contracting State and beneficially owned by a resident of the other Contracting State shall be taxable only in that other State" whereas Treaty Article 12(1) states: "may be taxed in that other State".	UN Article 12(1) - 12(1) - No Deviations.
Zimbabwe	Royalties	Royalties	No OECD Reference	Article 12(2)	Treaty Article 12(2), "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the royalties". OECD Model Article 12 does not include this paragraph.	UN Article 12(2) does not specify the limit of the tax that may be charged, whereas the Treaty Article 12(2) limits the tax that may be charged to 10%.
Zimbabwe	Royalties	Royalties	Article 12(2)	Article 12(3)	OECD Model Article 12(3) - includes terms for the definition of Royalties: "literary, artistic or scientific work including cinematograph films", which is not in the Treaty Article 12(3).	UN Article 12(3) include the terms "literary, artistic or scientific work including cinematograph films, or films or tapes used for radio or television broadcasting" and "the right to use, industrial, commercial or scientific equipment"; which is not in the Treaty Article 12(3).
Zimbabwe	Royalties	Royalties	Article 12(3)	Article 12(4)	Treaty Article 12(4) - No Deviations.	UN Model Article 12(4) includes a phrase "or performs in that other State independent personal services from a fixed base situated therein". Treaty Article 12(4) Model Article refers to "permanent establishment"; whereas the UN Model Article 12(4) refers to "permanent establishment or fixed base". Treaty Article 12(4) notes that: "in such cases the provisions of Article 7 apply"; whereas the UN Model refers to the provisions of Article 7 and Article 14.
Zimbabwe	Royalties	Royalties	No OECD Reference	Article 12(5)	Treaty has an additional paragraph 12(5) that is not in the OECD Model, which states: "Royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether that person is a resident of a Contracting State or not, has in a Contracting State a permanent establishment with which the right or property in respect of which the royalties are paid is effectively connected, and such royalties are borne by such permanent establishment, then such royalties shall be deemed to arise in the State in which the permanent establishment is situated".	UN Model Article 12(5) refers to "permanent establishment or fixed base", Treaty Article 12(5) only refers to "permanent establishment"
Zimbabwe	Royalties	Royalties	Article 12(4)	Article 12(6)	Treaty Article 12(6) - No Deviations.	Corresponding UN Model Article 12(6) and Treaty Article 12(6) - No Deviations.
Zimbabwe	Technical fees	N/A	No OECD Reference	Article 13	Treaty Article 13 - Technical Fees - not in OECD Model.	Treaty Article 13 - Technical Fees - not in UN Model.
Zimbabwe	Capital gains	Capital gains	Article 13(1)	Article 14(1)	Corresponding Article 14(1) includes the phrase: "or from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property" - refer OECD Model Article 13(4).	Corresponding Treaty Article 14(1) includes the phrase: "or from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property" - refer UN Model Article 13(4).
Zimbabwe	Capital gains	Capital gains	Article 13(2)	Article 14(2)	Corresponding Article 14(2) - No Deviations.	UN Model Article 13(2) contains additional phrase "or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services", this is not in Treaty. UN Model refers to "permanent establishment or fixed base" ; whereas Treaty Article 14(2) refers only to "permanent establishment".
Zimbabwe	Capital gains	Capital gains	Article 13(3)	Article 14(3)	OECD Model refers to "ships or aircraft"; whereas Treaty Article 14(3) refers to "ships or aircraft or rail or road transport vehicles". OECD Model includes the phrase: "boats engaged in inland waterways transport", which is missing from the Treaty Article 14(3). OECD Model states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".	UN Model Article 13(3) refers to "ships or aircraft"; whereas Treaty Article 14(3) refers to "ships or aircraft or rail or road transport vehicles". UN Model Article 13(3) includes the phrase: "boats engaged in inland waterways transport", which is missing from the Treaty Article 14(3). UN Model Article 13(3) states; "shall be taxable only in the Contracting State in which the place of effective management of the enterprise is situated"; whereas the Treaty Article 14(3) states: "shall be taxable only in that State" - thus the Treaty Article makes no mention of "place of effective management".
Zimbabwe	Capital gains	Capital gains	Article 13(4)	Article 14(1)	OECD Model states: "Gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State"; Treaty Article 14(1) contains the phrase: "from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property"; i.e. no mention of "more than 50 per cent of their value".	The Treaty Article 14(4) includes only the phrase "alienation of shares"; whereas the UN Model Article 13(4) is broader and states "capital stock of a company, or of an interest in a partnership, trust or estate". UN Model paragraph 13(4)(a) states: "nothing contained in this paragraph shall apply to a company, partnership, trust or estate, other than a company, partnership, trust or estate engaged in the business of management of immovable properties, the property of which consists directly or indirectly principally of immovable property used by such company, partnership, trust or estate in its business activities" - this paragraph is not reflected in the Treaty. UN Model paragraph 13(4)(b) states: "principally in relation to ownership of immovable property means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company, partnership, trust or estate"; whereas the Treaty Article 14(1) contains the phrase: "from the alienation of shares in a company the assets of which consist directly or indirectly principally of such property".
Zimbabwe	Capital gains	Capital gains	No OECD Reference	Article 14(5)	Treaty Article 14(5) states: "gains from the alienation of shares or other corporate rights of a company which is a resident of one of the Contracting States derived by an individual who was a resident of that State and who after acquiring such shares or rights has become a resident of the other Contracting State, may be taxed in the first mentioned State if the alienation of the shares or other corporate rights occur at any time during the period of ten years next following the date on which the individual has ceased to be a resident of the first-mentioned State. Not in OECD Model Article 13.	UN Model Article 13(5) states: "Gains, other than those to which paragraph 4 applies, derived by a resident of a Contracting State from the alienation of shares of a company which is a resident of the other Contracting State, may be taxed in that other State if the alienator, at any time during the 12 month period preceding such alienation, held directly or indirectly at least ___ per cent (the percentage is to be established through bilateral negotiations) of the capital of that company". This different to the Treaty Article 14(5).
Zimbabwe	Capital gains	Capital gains	Article 13(5)	Article 14(4)	Corresponding Treaty Article 14(4) - No Deviations.	UN Model Article 13(6) - Treaty Article 14(4) No Deviations.
Zimbabwe	N/A	Independent personal services	Article 14	No Treaty Reference	Deleted in OECD Model, and Treaty also does not include Article 14 - Independent Personal Services.	UN Article 14 - Independent Personal Services (Refer Treaty Article 13 Technical Fees)

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	Income from employment	Income from employment	Article 15(1)	Article 15(1)	No Deviations.	UN Model Article 14(1) - Treaty Article 14(1) - No Deviations.
Zimbabwe	Income from employment	Income from employment	Article 15(2)	Article 15(2)	No Deviations.	UN Model Article 14(2)(a) refers to "aggregate 182" days, whereas Treaty Article 14(2)(a) refers to "aggregate 183 days". UN Model Article 14(2) refers to a "permanent establishment or fixed base" where as Treaty Article 14(2) only refers to "permanent establishment".
Zimbabwe	Income from employment	Income from employment	Article 15(3)	Article 15(3)	OECD Model Article 15(3) refers to employment exercised aboard a ship or aircraft operated in international traffic - "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "shall be taxable only in that state". OECD Model Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); Treaty include the terms "rail or road transport" which is not in the OECD Model Article.	UN Model Article 15(3) refers to employment exercised aboard a ship or aircraft operated in international traffic - "may be taxed in the Contracting State in which the place of effective management of the enterprise is situated"; whereas Treaty Article 15(3) states: "shall be taxable only in that state". UN Model Article includes phrase "aboard a boat engaged in inland waterways transport" not in the Treaty Article 15(3); Treaty include the terms "rail or road transport" which is not in the UN Model Article.
Zimbabwe	Directors' fees	Directors' fees	Article 16	Article 16	No Deviations.	UN Model Article 16(1) - Treaty Article 16(1) no Deviations.
Zimbabwe	Directors' fees	Directors' fees	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Model Article 16(2)(2), is an additional paragraph, which states: "Salaries, wages and other similar remuneration derived by a resident of a Contracting State in his capacity as an official in a top-level managerial position of a company which is a resident of the other Contracting State may be taxed in that other State".
Zimbabwe	Entertainers and sportspersons	Artistes and sportspersons	Article 17(1)	Article 17(1)	Only deviation is references to other provisions.	Only deviation is references to other provisions.
Zimbabwe	Entertainers and sportspersons	Artistes and sportspersons	Article 17(2)	Article 17(2)	Only deviation is references to other provisions.	Only deviation is references to other provisions.
Zimbabwe	Pensions and annuities	Pensions	Article 18	Article 18(1)	OECD Article 18 states: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State". Treaty Article 18(1) states: "Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration for past employment, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State".	UN Model Article 18 (Alt. A) state: "pensions and other similar remuneration paid to a resident of a Contracting State in consideration of past employment shall be taxable only in that State". Treaty Article 18(1) states: "Subject to the provisions of paragraph 2 of Article 19, pensions and other similar remuneration for past employment, and annuities, arising in a Contracting State and paid to a resident of the other Contracting State, may be taxed in the first-mentioned State".
Zimbabwe	Pensions and annuities	Pensions	No OECD Reference	Article 18(2)	Treaty Article 18(2) "The term "annuity" as used in this Article means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is paragraph is not in OECD Model in Article 18.	Treaty Article 18(2) "The term "annuity" as used in this Article means a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth". This is paragraph is not in the UN Model in Article 18.
Zimbabwe	Pensions and annuities	Pensions	No OECD Reference	Article 18(3)	Treaty Article 18(3) refers to pensions paid and other payments made under a public scheme etc, "shall only be taxable in that State". This is not included in OECD Model Article 18.	This is in Alt B UN Model Article 18(3) - corresponding Treaty Article 18(3) - No Deviations.
Zimbabwe	Government service	Government service	Article 19(1)	Article 19(1)	No Deviations.	UN Model Article 19(1) - Treaty Article 19(1) No Deviations.
Zimbabwe	Government service	Government service	Article 19(2)	Article 19(2)	Treaty Article 19(2)(c) is an additional paragraph, and states: "For the purposes of this paragraph, any pension paid out of the Central African Pension Fund and subject to tax under the law of Zimbabwe shall be treated as if it were a pension paid by, or out of funds created by, Zimbabwe".	Treaty Article 19(2)(c) is an additional paragraph, and states: "For the purposes of this paragraph, any pension paid out of the Central African Pension Fund and subject to tax under the law of Zimbabwe shall be treated as if it were a pension paid by, or out of funds created by, Zimbabwe".
Zimbabwe	Government service	Government service	Article 19(3)	Article 19(3)	No Deviations.	Treaty Article 19(3) - Treaty Article 19(3) No Deviations.
Zimbabwe	Students, apprentices and business trainees	Students	Article 20	Article 20	Treaty Article 20 refers to "student, apprentice or business trainee", whereas OECD Article refers to: "student or business apprentice". OECD: "provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "payments received from outside that first mentioned State".	UN Article 20 states: "shall not be taxed in that State, provided that such payments arise from sources outside that State"; whereas Treaty Article 20 states: "shall be exempt from tax in the first-mentioned State on payments received from outside that first mentioned State".
Zimbabwe	Other income	Other income	Article 21(1)	Article 21(1)	No Deviations.	UN Model Article 21(1) - Treaty Article 21(1) - No Deviations.
Zimbabwe	Other income	Other income	Article 21(2)	Article 21(2)	No Deviations.	UN Model Article 21(2) contains the phrase: "or performs in that other State independent personal services from a fixed base situated therein", and the UN Model article refers to "Permanent Establishment or Fixed Base", whereas the Treaty Article 21(2) only refers to "Permanent Establishment".
Zimbabwe	Other income	Other income	No OECD Reference	Article 21	Treaty Article 21(3) is not in the OECD Model, and it states" "Notwithstanding the provisions of paragraphs 1 and 2, items of income of a resident of a Contracting State not dealt with in the foregoing Articles of the Agreement and arising in the other Contracting State may also be taxed in that other State".	UN Model Article 21(3) - Treaty Article 21(3) - No Deviations.
Zimbabwe	N/A	Capital	Article 22	No Treaty Reference	OECD Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.	UN Article 22 - Taxes on Capital - is omitted in the Treaty, i.e. Treaty does not have an Article for taxes on Capital.
Zimbabwe	Elimination of double taxation	23B Credit method	Article 23	Article 22	OECD Model Article 23(B) refers to the Credit Method. Treaty Article 22 provides for the Credit Methods for both Zimbabwe and South Africa. OECD Article 23B (1) refers to "income and capital" whereas the Treaty only refers to "income". OECD Article 23B(2) is an additional paragraph, referring to "exempted income, and that "such State may in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not in the Treaty Article 22.	UN Model Article 23(B) refers to the Credit Method. Treaty Article 22 provides for the Credit Methods for both Zimbabwe and South Africa. UN Article 23B (1) refers to "income and capital" whereas the Treaty only refers to "income". UN Article 23B(2) is an additional paragraph, referring to "exempted income, and that "such State may in calculating the amount of tax on the remaining income or capital of such resident, take into account the exempted income or capital". This is not in the Treaty Article 22.

COUNTRY	TREATY	OECD	OECD	Treaty	DEVIATIONS FROM OECD MODEL	DEVIATIONS FROM UN MODEL
	Treaty Article Description	OECD Article Description	Article Reference	Paragraph Reference	Deviation description	Tax Treaty reference and deviation description
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(1)	Article 23(1)	Treaty Article 23(1) - No Deviations.	The UN Model Article 24(1) - Treaty Article 23(1) - No Deviations.
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(2)	No Treaty Reference	OECD Article - covers "Stateless persons" not in Treaty.	The UN Model Article 24(2) - pertains to "Stateless persons" not in Treaty.
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(3)	Article 23(2)	Treaty Article 23(2) - No Deviations.	Corresponding Treaty Article 24(2) - No Deviations.
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(4)	Article 23(3)	Treaty includes: "technical fees", whereas the OECD Model does not. OECD Model Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". Treaty Article 23(3) does not have this sentence.	Treaty includes: "technical fees", whereas the UN Model does not. UN Model Article 24(4) contains the sentence: "Similarly, any debts of an enterprise of a Contracting State to a resident of the other Contracting State shall, for the purpose of determining the taxable capital of such enterprise, be deductible under the same conditions as if they had been contracted to a resident of the first-mentioned State". Treaty Article 23(3) does not have this sentence.
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(5)	Article 23(4)	Treaty Article 23(4) - No Deviations.	UN Article 24(5) - Treaty Article 23(4) - No Deviations.
Zimbabwe	Non-discrimination	Non-discrimination	Article 24(6)	No Treaty Reference	This paragraph is missing in the Treaty Article 23.	UN Article 24(6) - This paragraph is missing in the Treaty Article 23.
Zimbabwe	Mutual agreement procedure	Mutual agreement procedure	Article 25(1)-25(3)	Article 24(1)-24(3)	Corresponding Treaty Articles 24(1)-24(3)) No Deviations.	UN Article 25(1)-25(3) - Treaty Article 24(1)-24(3) No Deviations.
Zimbabwe	Mutual agreement procedure	Mutual agreement procedure	Article 25(4)	Article 24(4)	OCED Article: states: including through a joint commission consisting of themselves or their representatives"; whereas Treaty Article 24(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".	UN Article 25(4) an additional sentence that is not in the Treaty, which states: "The competent authorities, through consultations, may develop appropriate bilateral procedures, conditions, methods and techniques for the implementation of the mutual agreement procedure provided for in this Article"; whereas Treaty Article 24(4) states: "when it seems advisable in order to reach agreement to have an oral exchange of opinions, such exchange may take place through a commission consisting of representatives of the competent authorities of the Contracting States".
Zimbabwe	Mutual agreement procedure	Mutual agreement procedure	Article 25(5)	No Treaty Reference	OECD Article 25(5) is an additional paragraph not in the Treaty Article 24, which states: "Where, a) under paragraph 1, a person has presented a case to the competent authority of a Contracting State on the basis that the actions of one or both of the Contracting States have resulted for that person in taxation not in accordance with the provisions of this Convention, b) the competent authorities are unable to reach an agreement to resolve that case pursuant to paragraph 2 within two years from the presentation of the case to the competent authority of the other Contracting State". Remainder of Article 25(5) deals with arbitration etc.	Under Alternative B of UN Model Article 25, there is such a paragraph that corresponds to the OECD Model Article 25(5) however, the Treaty does not include this paragraph, and thus the Treaty Article 24 is compliant to UN Model 25 Alternative A, which does not contain paragraph 5.
Zimbabwe	Exchange of information	Exchange of information	Article 26(1)	Article 25(1)	Corresponding Treaty Article 25(1) No Deviations.	UN Article 26(1) contains the phrase: "in particular, information shall be exchanged that would be helpful to a Contracting State in preventing avoidance or evasion of such taxes". Treaty Article 25(1) does not include this phrase.
Zimbabwe	Exchange of information	Exchange of information	Article 26(2)	Article 25(2)	OECD Article contains an additional sentence, not included in Treaty Article 25(2), which states: "Notwithstanding the foregoing, information received by a Contracting State may be used for other purposes when such information may be used for such other purposes under the laws of both States and the competent authority of the supplying State authorises such use".	UN Article 26(2) - 25(2) - No Deviations.
Zimbabwe	Exchange of information	Exchange of information	Article 26(3)-26(5)	Article 25(3)-25(5)	Corresponding Treaty Article 25(3)-25(5) - No Deviations.	UN Article 26(3)-26(5) - Treaty Article 25(3)-25(5) - No Deviations.
Zimbabwe	Exchange of information	Exchange of information	No OECD Reference	No Treaty Reference	No OECD or Treaty reference.	UN Article 26(6) is an additional paragraph which states: "The competent authorities shall, through consultation, develop appropriate methods and techniques concerning the matters in respect of which exchanges of information under paragraph 1 shall be made". This is not in Treaty Article 25.
Zimbabwe	Assistance in the collection of taxes	Assistance in the collection of taxes	Article 27	Article 26	Both OECD Article and Corresponding Treaty Article 26 cover: "Assistance in the Collection of Taxes".	Both UN Article 27 and Treaty Article 26 cover: "Assistance in the Collection of Taxes".
Zimbabwe	Members of diplomatic missions and consular posts	Members of diplomatic missions and consular posts	Article 28	Article 27	Corresponding Treaty Article 27 - No Deviations.	UN Article 28 - Treaty Article 27 - No Deviations.
Zimbabwe	N/A	Territorial extension	Article 29	No Treaty Reference	OECD Article 29 - Territorial Extension - No Treaty equivalent.	UN Model does not have this Article, i.e. No deviation between the Treaty and the UN Model.
Zimbabwe	Entry into force	Entry into force	Article 30	Article 28	Article 28 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to OECD wording.	Article 28 in the Treaty specifies the details of the treaty "Entry into Force" and wording is different to UN Article 29 wording.
Zimbabwe	Termination	Termination	Article 31	Article 29	This Article is for Termination - the Treaty Article 29 has laid out rules for termination, wording is different to the OECD Model wording. One item to note is that the Treaty states: "This Agreement shall remain in force indefinitely but either of the Contracting States may terminate the Agreement, through the diplomatic channel,"; whereas The OECD Model states: This Convention shall remain in force until terminated by a Contracting State".	This Article is for Termination - the Treaty Article 29 has laid out rules for termination, wording is different to the UN Model Article 30 wording. One item to note is that the Treaty states: "This Agreement shall remain in force indefinitely but either of the Contracting States may terminate the Agreement, through the diplomatic channel,"; whereas The UN Model states: This Convention shall remain in force until terminated by a Contracting State".

Table of minor deviations or articles with no deviations

Annexure C1

Article Description	Article/Para. Reference	Deviation description	Comment on deviation	Number of Countries	Treaty Country
Persons covered / scope	Article 1	No Deviation	No Deviation	18	All countries
Taxes covered	Article 2(1) and (2)	Treaties omits Articles 2(1) and 2(2) completely.	Commentary on Article 2 states that some member countries do not include paragraphs 1 and 2 in their treaties, and that they prefer to list the taxes of each country. ¹ There is a view that that Article 2(1) and (2) serve an important purpose as a new tax could still be checked against the general description of taxes covered by article 2(1) and (2) of the OECD Model, hence broadening the benchmark for comparison. ²	3	Botswana, Malawi and Mozambique.
Taxes covered	Article 2(2)	Taxes on "capital gains" in treaty, instead of taxes on capital.	A tax on capital gains is not the same as a tax on capital, but an income tax. ³	4	Botswana, Ghana, Namibia and Nigeria.
Taxes covered	Article 2(3)	Treaties included additional taxes not in OECD or UN Model for example, inclusion of “housing loans fund tax and employment fund tax” (Cameroon), “change winnings” (Ethiopia), “petroleum income tax” (Namibia), and the “taxes on the profit of a mineral enterprise” (Botswana).	OECD/UN Model Art. 2(3) is for countries to list the taxes that are covered under a treaty, and as per the OECD Commentary, “the list is not exhaustive, it serves to illustrate the preceding paragraphs of the Article. ⁴ As countries are permitted to add any taxation they consider relevant, this paragraph is not seen as a deviation, and all treaties have different taxes.	18	All countries
General definitions - territorial definition	Article 3	All the treaties analysed contain a paragraph that defines South Africa and the other Contracting State, as well as the territories covered. The OECD Model does not include this in Article 3 but contains a separate article “Territorial Extension” under Article 28/29. The treaties do not have such an Article for Territorial Extension.	These treaties are consistent to the old South African Model which contains the definition for the Contracting States, and there is no requirement for a separate article. ⁵ This is not unique to South Africa, many bilateral treaties “define specifically the terms “Contracting State”. ⁶	18	All countries
General definitions “Enterprise and “Business”	Article 3(1)(c) and Article 3(1)(h)	Some treaties concluded after 2000 exclude definitions for “enterprise”, and “business”.	Both definitions were introduced in the 2000 OECD Model when Article 14 “Independent Personal Services” was deleted, and it became necessary for these definitions to be included. ⁷ The majority of the treaties reviewed include definitions for “enterprise”, and “business” where required to do so based on the prevailing OECD model at the time. The only deviations are Cameroon, Kenya and Ghana treaties that were concluded after 2000 and contain the “Independent Personal Services” Article. The Nigeria treaty was concluded during 2000, so it is probable that the drafting and negotiations were based on the older OECD Model.	4	Cameroon, Kenya, Ghana, and Nigeria.
Definition - Taxes	Article 3	Treaties contain a definition for tax as "the term tax means "tax" means (<i>Country Name</i>) tax or South African tax, as the context requires".	As this is not found in the majority of treaties, it can be assumed that these inclusions are at the assistance of the other States.	3	Cameroon, Ethiopia, and Mauritius.
Definition - person	Article 3	Treaties include "trusts and estates" in the definition of person.	It is assumed that this is at the insistence of these countries, not South Africa, as these bodies are classified in South Africa as “entities for tax purposes”. ⁸	2	Botswana and Zimbabwe.

Table of minor deviations or articles with no deviations

Annexure C1

Article Description	Article/Para. Reference	Deviation description	Comment on deviation	Number of Countries	Treaty Country
Resident	Article 4(3)	OECD and UN Models use the place of effective management to determine the residence of persons other than an individual. Treaties that do not adhere to this principle state: “the competent authorities of the Contracting States shall settle the question by mutual agreement”.	1) SARS Interpretation Note 6 on POEM: “A company’s place of effective management is the place where key management and commercial decisions, that are necessary for the conduct of its business as a whole, are in substance made. This approach is consistent with the OECD’s commentary on the term “place of effective management”. ⁹ 2) As a result of the OECD/G20 BEPS project, the OECD model was amended, by the removal of "place of effective management" as a tiebreaker for persons other than individuals, as per the new OECD 2017 Model. ¹⁰ The treaties under review with the deviations predate the 2017 OECD model.	7	Botswana, Cameroon, Lesotho, Mauritius, Nigeria, Uganda and Zimbabwe.
Permanent establishment	5(4)(a) and 5(4)(b)	Treaties omit the word "delivery", i.e. align to the UN Model provisions.	This means that if the activities in a warehouse include delivery activities, the warehouse may qualify as a PE. ¹¹ However, according to the UN Commentary, a 1997 study revealed that almost 75% of developing countries tax treaties included the term “delivery”, ¹² which is a similar trend to the South Africa treaties reviewed.	6	Botswana, Cameroon, Ethiopia, Kenya, Swaziland and Uganda.
Permanent establishment	Article 5(4)(e)	OECD/UN Models Article state: "the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character", whereas the treaties replace "fixed place of business" with "a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities".	This limited exclusion phrase is the same as the 1963 OECD Model article 5(4), which was expanded in the 1977 OECD Model. ¹³ It is argued that these treaties seek to limit the activities that are preparatory or auxiliary.	5	Ethiopia, Mauritius, Namibia, Seychelles and Swaziland.
Permanent establishment	Article 5(5)(b)	Treaties contain the additional UN paragraph 5(5)(b) which provides that where a person has no authority to conclude contracts, but “habitually maintains” a stock of goods or merchandise and he regularly delivers stock or merchandise. (Referred to as a stock agent PE).	One in three treaties, of which a non-OECD member is a party to, contain the stock agent provision. ¹⁴ The UN commentary on Article 5 notes that if the only activity is delivery, then it is possible that no permanent establishment exists, but that if sales related activities such as advertising and promotional activities, then a permanent establishment may exist. ¹⁵	6	Botswana, Cameroon, Ethiopia, Kenya, Namibia, and Swaziland.
Permanent Establishment	Article 5(6)	Treaties contain an additional article as per UN Model paragraph 5(6), which deems an enterprise that collects insurance premiums or insures risks situating in another state through an agent situated in that other state.	Although the OECD Model definition of permanent establishment does not directly include agents who collect premiums, it is referenced in the OECD Commentary to Article 5, ¹⁶ which notes that agencies of foreign insurance companies may not meet the permanent establishment definition, and thus the profits will not be taxed in that state. In this instance, per the commentary it is permissible to include such a paragraph. The UN model does not contain any thresholds, and this is justified on the basis that in the absence of special rules, due to the nature of the insurance industry, extensive business can be carried on in another State without any “fixed place of business and without dependent agents who have the authority to conclude contracts.” ¹⁷	6	Botswana, Cameroon, Ethiopia, Kenya, Tanzania, and Zimbabwe.
Permanent establishment	Article 5(7)	Treaties include the UN article 5(7) additional provision for “the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise”.	The provision holds that if the relationship is not at arms’ length, then the agent is not an independent agent, and the exclusions of article 5(7) are not applicable. ¹⁸	3	Cameroon, Kenya, and Namibia.
Income from immoveable property	Article 6(2)	i) Treaties list "rail and road transport" as exclusions; ii) Treaties do not include the term "inland waterways".	These countries are all land locked countries and do not therefore rely on shipping or boats, but road and rail for transport.	i) 3 ii) 4	i) Botswana, DRC and Lesotho ii) Ghana, Lesotho, Nigeria, and Zimbabwe.
Income from immoveable property	Article 6(4)	Immoveable property of an enterprise - treaties include UN additional sentence: "to income from immovable property used for the performance of independent personal services".	i) Treaties were concluded before 2000, i.e. before the OECD Model deleted Article 14 "Independent Services"; ii) treaties concluded after 2000 still include Article 14, are aligned with the UN Model. iii) Malawi does not include this article.	i) 2 ii) 4 iii) 1	i) Namibia and Uganda, ii) Cameroon, Ghana, Kenya, and Nigeria, iii) Malawi.

Table of minor deviations or articles with no deviations

Annexure C1

Article Description	Article/Para. Reference	Deviation description	Comment on deviation	Number of Countries	Treaty Country
Business profits	Article 7	Treaties concluded after 2010 still contain old wording.	South Africa's stated position "the right to use the previous version of Article 7, i.e. the version that was included in the Model Tax Convention immediately before the 2010 Update, subject to their positions on that previous version". Refer OECD Model: para 1, Positions on Article 7. Also South Africa "will interpret Article 7 as it read before the 2010 Update in line with the relevant Commentary as it stood prior to that update". Refer OECD para 12, Positions on Article 7 Commentary.	5	Cameroon, Kenya, Lesotho, Mauritius, and Zimbabwe.
Business profits	Article 7(1)	"Force of Attraction" provisions in the additional paragraphs of the UN Model Art. 7(1)(b) and (c).	The "force of attraction principle is where "one enterprise has a PE in another jurisdiction, all income derived in the jurisdiction should be subject to the tax there". ¹⁹ The UN Model commentary has noted that the members from developing countries stated that the force of attraction method would avoid some administrative problems, attributable to the PE. ²⁰	5	Botswana, Cameroon, Ethiopia, Kenya, and Nigeria.
Associated enterprises	Article 9(3)	Treaties include an additional paragraphs to Article 9.	The paragraphs hold that the provisions of paragraph 9(2) do not apply in the case of “fraud, wilful default or neglect”. Seychelles also has an additional paragraph which limits the period of adjustment to five years.	2	Kenya and Seychelles.
Dividends	Article 10(3)	None of the treaties include terms contained in the OECD/UN Models dividend definition “jouissance” shares or “jouissance” rights, “mining shares, founders’ shares”.	These are not concepts are not familiar in South African domestic law. ²¹	18	All countries
Interest	Article 11(2)	If the recipient is the beneficial owner, OECD Model limits the source state taxing tights to 10 per cent of the gross amount charged. UN Model provides that the rates are to be settled by negotiation.	Treaties have rates different to OECD rates.	6	Ethiopia, Ghana, Mozambique, Nigeria, Seychelles, and Zimbabwe.
Royalties	Article 12(3)	Treaties include “the right to use, industrial, commercial or scientific equipment”.	These are earlier treaties, concluded on or before 2003. In 1992, the Committee of Fiscal Affairs delete the words “or for the use of, or the right to use, industrial, commercial or scientific equipment” from the OECD , due to the nature of the income, which was regarded as profits to be taxed under Article 7 Business Profits. ²²	5	Botswana, DRC, Malawi, Namibia, and Nigeria.
Capital gains	Article 13(2)	Treaties contain the UN Model phrase: “or of movable property pertaining to a fixed base available to a resident of a Contracting State in the other Contracting State for the purpose of performing independent personal services”.	This additional phrase is not in the OECD Model as a result of the deletion of Article 14 Independent Personal Services. All of these six treaties include an article for independent personal services.	6	Cameroon, Ghana, Kenya, Namibia, Nigeria, and Uganda.
Capital gains	Article 13	Treaties have an additional paragraph which provide that where some individual ceases to be resident, then the gains attributable to the sale of shares may be taxed by the original state following a period of ten years following the date of the cessation.	This paragraph is not in the OECD/UN Models.	2	Botswana and Zimbabwe.

Table of minor deviations or articles with no deviations

Annexure C1

Article Description	Article/Para. Reference	Deviation description	Comment on deviation	Number of Countries	Treaty Country
Income from independent personal services	Article 14	i) Three treaties concluded before 2000 contain the additional UN Model Article 14(1)(b), ii) three treaties after 2000 follow UN Model and include Article 14. iii) Malawi does not include this an article even though the 1963 OECD Model did contain Article 14.	Article 14 was deleted from the OECD Model by the Committee on Fiscal Affairs on 29 April 2000 and “income derived from professional services and other activities of an independent character” are dealt with under Business Profits, Article 7. ²³ UN Model Article 14(1)(b) provides that if the period of the stay by the resident of one state in another state is more than 183 days, then the income from the activities may be taxed in that other state, even if there is no fixed base in the other state. SA Position to earlier model (pre 2000) reserved the right to tax individuals performing professional services or other activities of an independent character if they are present on their territory for a period or periods exceeding in the aggregate 183 days in any twelve month period and deem such an individual to have a fixed base therein for the purposes of the Convention.”	i) 3 ii) 3 iii) 1	i) Namibia, Nigeria, and Uganda ii) Cameroon, Ghana, Kenya, iii) Malawi.
Directors fees	Article 16	Cameroon treaty contains the additional wording of the UN Model Article 16, which refers to “salaries and wages and other remuneration in capacity of official in a top-level managerial position, and the Malawi treaty does not contain this article.		2	Cameroon and Malawi.
Entertainers and sportspersons	Article 17	Treaties also include activities exercised in the other Contracting State that are part of an approved cultural or sports exchange programme.	OECD Commentary notes that the "Committee considers that tax privileges should be limited to genuine, justified cases, for instance, to events organised as part of an official “cultural exchange programme”. ²⁴	6	Ethiopia, Ghana, Mauritius, Mozambique, Nigeria and Seychelles.
Government service	Article 19	Treaties contain the older OECD wording in “other than a pension”.	Treaties concluded on or before 2005 when OECD Model Article wording changes were made.	4	Malawi, Mozambique, Tanzania, and Uganda.
Students	Article 20	Treaties include "trainees" in addition to students and business apprentices per the OECD Model.	Align to UN Model which also includes "trainees".	8	Botswana, DRC, Mozambique, Namibia, Rwanda, Seychelles, Swaziland and Zimbabwe.
Elimination of double taxation	Article 23	No deviation, treaties provide for the Credit Method, except for treaties with Cameroon and DRC provide for an exemption.	Cameroon and DRC provide for an exemption in the other states for residents of Cameroon or DRC.	2	Cameroon and DRC.
Elimination of double taxation	Article 23	Treaties grant tax reductions to schemes for the “promotion of economic development, which are referred to as “tax sparing provisions”.	i) The OECD Commentary mentions that States do grant various incentives to attract foreign investment, but that these tax sparing provisions “constitute a departure” from the provisions this Article, ²⁵ ii) South Africa used to have a position to Article 23 which state that it “reserves the right to add tax sparing provisions in relation to the tax incentives that are provided for under their respective national laws”. This position was deleted from the 2005 OECD Model.	6	Botswana, Ethiopia, Lesotho, Mozambique, Seychelles, and Swaziland.
Non-discrimination	Article 24(2)	No treaty contains the OECD/UN Model Article 24(2) - for "stateless persons".	This paragraph is rarely used, found only in 72 out of 1000 treaties globally, ²⁶ and thus while it is not in any treaty, it is not considered to be a significant deviation for the analysis.	18	All countries
Mutual agreement procedures	Article 25	No significant deviations	N/A	0	No Deviations
Exchange of information	Article 26	No significant deviations	N/A	0	No Deviations
Assistance in collection of taxes	Article 27	i) Treaties do not contain this article; ii) Treaties that contain this article were concluded before 2003 (i.e. before the OECD and UN Models contained this Article.	i) OECD introduced this article in 2003, ²⁷ ii) UN Model introduced this article in the 2011 UN Model. ²⁸	i) 6 ii) 2	i) Cameroon, Ethiopia, Malawi, Nigeria, Rwanda, and Seychelles; ii) Namibia and Uganda.
Members of diplomatic missions and consular posts	Article 28 (27 in earlier OECD Model)	No significant deviations, except one treaty does not contain this Article.	N/A	1	Malawi
Territorial extension	Article 29 (28 in earlier OECD Model)	This Article is not in any of the treaties.	Article 3 (Definitions) - all treaties include a paragraph which define the territorial scope of the contracting states.	18	All countries

Table of minor deviations or articles with no deviations

Annexure C1

Article Description	Article/Para. Reference	Deviation description	Comment on deviation	Number of Countries	Treaty Country
Entry into force and termination	Article 30 (29) and Article 31(30)	Each treaty has its own provisions for entry into force and termination.	These differences are not deviations.	0	No Deviations
Limitation of benefits	Additional Article	Treaty contains an additional article for the limitation of benefits.	Treaty lays down limitations on relief benefits.	1	Ghana
Amendments	Additional Article	Treaty contains an additional article for the amendments.	Treaty may be amended at any time, by mutual consent.	1	DRC

Paragraph 3, OECD Commentary to Article 2 at section 6.

M. Seiler, *Exit Taxation Arising from a Deemed Disposal of Shares*, Tax Treaty Case Law Monitor, Bulletin for International Taxation, November 2013, Journals IBFD.

W. Cui, Article 2 – *Taxes Covered – Global Tax Treaty Commentaries*, sec. 3.4, Global Tax Treaty Commentaries IBFD.

Para. 3, *OECD Model: Commentary to Article 2 paragraph 3, at section 6.*, Models IBFD.

West, C. 2016. Status Quo of South African Tax Treaty Policy. Status Quo of South African Tax Treaty Policy (南非现行税收协定政策考察), International Taxation in China. Issue 11 (ISSN: 2095-6126). Available at: SSRN <https://ssrn.com/abstract=2882413> [2018, 1 April]

K Holmes, *International Tax Policy and Double Tax Treaties - An Introduction to Principles and Application*. (2014 edition), Online Books, IBFD.

D.P. Sengupta, Article 14: *Independent Personal Services - Global Tax Treaty Commentaries*, Section 1.2.3.1.1., Global Tax Treaty Commentaries IBFD.

SA Income Tax Act - Section 25 (Deceased Estates) and Section 25B(Trusts).

SARS, Interpretation Note No. 6 Issue 2, *Resident - Place of Effective Management - Companies*, 3 November 2015, available: <http://www.sars.gov.za/AllDocs/LegalDoclib/Notes/LAPD-IntR-IN-2018-12-Arc-12%20-%20IN6%20-%20Resident%20Place%20Effective%20Management.pdf>

B.R. Obuoforibo, *Article 4: Resident - Global Tax Treaty Commentaries*, Section 1.1.1.2.2.2. Global Tax Treaty Commentaries IBFD.

L. Oliver and M. Honiball, *International Tax, A South African Perspective*, 5th Edition, Ch 11 P341.

Para. 20, *UN Model: Commentary on Article 5* (2011), Models, IBFD.

B.J. Arnold, *Article 5: Permanent Establishment - Global Tax Treaty Commentaries*, sec. 1.2.2.1.2, Global Tax Treaty Commentaries IBFD.

Arnold, *supra* n.13, at sec. 3.7.

Para. 28, *UN Model: Commentary on Article 5*, Models IBFD.

Para. 39, *OECD Model: Commentary to Article 5(3)*, Models IBFD.

Arnold, *supra* n.13, at sec. Para. 5.2.1.

Oliver and Honiball, *supra* n.11, at Ch.11, paragraph 3, p346.

L. Steenkamp, *The Permanent Establishment Concept In Double Tax Agreements Between Developed And Developing Countries: Canada/South Africa As A Case In Point*, *International Business and Economics Research Journal* May/June 2014, available: https://www.researchgate.net/publication/261913389_The_Permanent_Establishment_Concept_In_Double_Tax_Agreements_Between_Developed_And_Developing_Countries_CanadaSouth_Africa_As_A_Case_In_Point

J. Sasseville & R.J. Vann, *Article 7: Business Profits - Global Tax Treaty Commentaries, Global Tax Treaty*, Commentaries IBFD. Section 1.1.2.2.

Oliver and Honiball, *supra* n.11, at Ch.4, para. 6.1.2.

Para. 7.4. *OECD Model: Commentary on Article 11*, (2014), Models IBFD.

OECD *Commentary on Article 14*, (2014), Models IBFD.

Para. 14, *OECD Model: Commentary on Article 17*, (2014), Models IBFD.

Para. 74, *OECD Model: Commentary on Article 23*, (2014) Models IBFD.

Avery Jones et al, ‘*The Non-discrimination Article in Tax Treaties*’ British Tax Review 1991 p359, quoted in Oliver and Honiball, *supra* n.11 at Ch. 18, para 4.3.

J. Roeleveld, *Article 27: Assistance in the Collection of Taxes - Global Tax Treaty Commentaries, sec. 1.1.2.* Global Tax Treaty Commentaries IBFD.

Para 19. *UN Model: Main Features of This Revision of the United Nations Model Convention* (2011), Models IBFD.

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Taxes covered - and Capital	Article 2(1)	OECD and UN refer to taxes on income and capital, whereas treaties omit taxes on capital, and they omit “total capital” and “elements of capital”, and "capital appreciation”.	The most likely reason for this exclusion is that South Africa does not levy capital taxes such as a net worth tax, tax on business capital or real estate tax. ¹ This exclusion is consistent with the exclusion of Article 22 from all of the treaties (See Article 22 reference). This is for all countries that include an equivalent Article 2(1) paragraph.	No stated position	15	Cameroon, DRC, Ethiopia, Ghana, Kenya, Lesotho, Mauritius, Namibia, Nigeria, Rwanda, Seychelles, Swaziland, Tanzania, Uganda, Zimbabwe.
Taxes covered	Article 2(2)	Treaties omit the phrase "taxes on the total amounts of wages or salaries paid by enterprises”.	i) In South African domestic law, wages and salaries are included in the definition of gross income, ² thus it would not be necessary for South Africa to specifically include terms "wages or salaries" as they are already considered as income. ii) National Treasury's presentation's list of Taxes Covered in Article 2 does not specifically include "wages and salaries", only "normal tax, WHT on Royalties, dividends tax, WHT on interest and tax on foreign entertainers and sportsmen." ³	No stated position	11	DRC, Ethiopia, Lesotho, Mauritius, Namibia, Nigeria, Rwanda, Seychelles, Swaziland, Tanzania, and Zimbabwe.
Taxes covered	Article 2(3)	Treaties include Secondary Tax on Companies (STC) - which was tax on South African companies.	In South Africa, STC was a second- level tax on company that distributed profits and was in existence from 1994-2012. ⁴ All the treaties concluded between 1994 and 2012 include STC. Cameroon was concluded in February 2015, but discussions would have begun considerably earlier. The treaty with Malawi, concluded in 1963 and does not reference STC, as it was not in existence, but does refer to “undistributed profits on tax”. The Lesotho and Zimbabwe treaties were concluded in 2014, i.e. after 1 April 2012 when STC was replaced with a withholding tax on dividends. ⁵	No stated position	15	All countries, except Malawi, Lesotho, and Zimbabwe.
Definition - Person	Article 3(1)(a)	Contain an extra phrase in the definition of a person "any other body of persons that is treated as an entity for tax purposes".	This is an important addition, as only persons that are liable to tax can be regarded as residents, and be eligible for treaty benefits, as per OECD Article 4(1). ⁶ This definition is not exhaustive, and appears in other treaties. ⁷ Malawi treaty is consistent with the OECD Model.	South Africa has stated its position “reserves the right “to include in the definition of "person" only those entities which are treated as taxable unit under the taxation laws in force in the respective Contracting States”. Refer OECD: para 8, Position on Article 3.	17	All countries except Malawi.
Definition - International Traffic	Article 3(1)(e)	OECD and UN Models contain the phrase “that has its place of effective management in a Contracting State”, whereas the majority of the treaties omit this phrase, and instead state the following: “international traffic means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State”.	This definition should be read in conjunction with South African Treaties Article 8 (discussed under Article 8). Malawi treaty is based on the 1963 Model which did not contain this definition.	Refer Article 8	16	All countries except Malawi and Namibia.
Definition - International Traffic	Article 3(1)(e)	The treaties broaden the definition of "International Traffic" to include "rail or road transport”.	This definition should be read in conjunction with South African Treaties Article 8 (discussed under Article 8).	Refer Article 8	8	Botswana, DRC, Lesotho, Mozambique, Namibia, Swaziland, Tanzania, Zimbabwe.
Definition - National - legal person	Article 3(1)(g)	In the definition of "legal persons" in Article 3(g)(ii), the OECD and UN Models include the term "partnership", which is omitted from the treaties.	i) OECD Commentary notes that subparagraph 1(g) is not consistent with the status of a partnership as a person under 1(a), because in some countries it is possible to be a "person", but not legal for tax purposes. ⁸ However, in South Africa, a partnership is not a legal person. ⁹ ii) Ethiopia includes "partnerships" in the case of Ethiopia.	No stated position	15	All countries except Cameroon, Malawi and Namibia.
Permanent establishment	Article 5(2)	Treaties expand the definition of a permanent establishment, refer examples below:	Para.12 OECD Commentary on Article 5(2) notes that the list of examples provided the Model for PE's is not exhaustive.			
		OECD and UN include "place of extraction of natural resources", whereas the treaties include "extraction and exploitation".	Several treaties include "extraction and exploitation".	South Africa reserves the right to insert a provision that deems a permanent establishment to exist if, for more than six months, an enterprise conducts activities relating to the exploration or exploitation of natural resources - see SA position on OECD Article 5(3) para. 14(6).	13	Botswana, Cameroon, DRC, Ethiopia, Ghana, Kenya, Lesotho, Mozambique, Nigeria, Rwanda, Seychelles, Tanzania, and Uganda.
		- Treaties include: i) "installation or structure used" for extraction (or exploration) of natural resources, ii) a drilling rig or ship used for the exploration or development of natural resources.	South Africa is a country with extensive mineral resources , including gold, diamonds, iron ore, platinum group metals etc. ¹⁰ Most of the other states also have mining industries, for example Botswana (Diamonds), ¹¹ DRC (Copper, Cobalt), ¹² Ethiopia (Gold, other precious minerals, potash), ¹³ and Tanzania (gold, copper, iron ore, and silver). ¹⁴		i) 7 ii) 2	i) Botswana, Lesotho, Malawi, Mozambique, Mauritius, Uganda, and Zimbabwe; ii) Cameroon and Seychelles.
		- Treaties include a warehouse in relation to a person providing storage facilities for others".			2	Cameroon and Mozambique
		-Treaty includes a sales outlet.			1	Cameroon
		-Treaty includes "a farm, a plantation or any other place where agricultural, forestry, plantation or related activities are carried on".			1	Ethiopia
		-Treaty includes "a guest farm or other operation of a similar nature".			1	Namibia

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Permanent establishment	Article 5(3)(a)	i) Construction PE: Treaties contain the provisions of the UN Model Art. 5(3)(a) which states that “the period or activities last more than six months” as opposed to the OECD’s duration of twelve months. ii) treaties include the UN Model’s broader range of activities, being “assembly project”, and “supervisory services”.	i) The effect of lessening the duration of the activity and expanding the project activities is to enable the source State, where the activities are carried out, to “more readily tax the profits arising from the projects or activities”. ¹⁵ ii) Since 1994, there have been significant improvements in South Africa's infrastructure. Projects such as improvement in national roads, the Gautrain rail project for commuters and the expansion of ports such as Port Elizabeth are some of the expansion projects that construction companies, both local and foreign, have worked on. ¹⁶	South Africa's stated position is to "reserve the right to negotiate the period of time after which a building site or construction, assembly, or installation project should be regarded as a permanent establishment under para. 3." Refer OECD: Para. 10, Positions on Article 5(3) and, "the right to treat an enterprise as having a PE if the enterprise carries on supervisory activities in connection with a building site or a construction, assembly, or installation project that constitute a PE." Refer OECD: Para. 11, Positions on Article 5(3).	i) 16 ii) 17	i) all countries except Mauritius and Malawi. ii) all countries except Malawi.
Permanent establishment	UN Article 5(3)(b)	i) Treaties include the UN Model Art. 5(3)(b) inclusion of the “furnishing of services, and iii) 2 treaties have a lower duration of 90 days.	The definition of permanent establishment in the UN Model is broadened to include the service performed by non-residence for a more substantial period, “even where the services are not performed through a fixed base”. ¹⁷ The UN Model Commentary on Article 5(3) notes that in special cases the six-month period can be reduced in bilateral negotiations, not less than three months. ¹⁸ While the OECD Model does not include Service PE’s, the concept was introduced in the 2008 OECD Commentary, which provides an alternative for Service PE’s, ¹⁹ this alternate provision is only applicable where there is a substantial amount of services performed in the other State. It is noted that there was reluctance to do so, and that it was “was included at the insistence of those committee members from service-importing states”. ²⁰	South Africa's stated position is to "reserve the right to treat an enterprise as having a PE if the enterprise furnishes services, including consultancy services, through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project within the country for a period or periods aggregating more than six months within any 12-month period." Refer OECD Para 14 - Positions on Article 5(3).	i) 15 ii) 2	i) All courtiers except Ghana, Malawi, and Uganda; ii) Lesotho and Swaziland.
Permanent establishment	Article 5(3) Additional	Treaties have an additional paragraph 5(3)(c) that is not in the OECD or UN Model, which states: “the performance of professional services or other activities of an independent character by an individual, but only where those services or activities continue within a Contracting State for a period or periods exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned”.	1) It was observed in a study by Tracy Gutuza presented to the IFA (2012) that many South African treaties contain Article 14 "Independent Personal Services" and those treaties that do not, contain an additional category for "professional services". ²¹ 2) Although the UN Model does not have this paragraph, the UN Model contains Article 14 for independent personal services, which is not only of there is a fixed base available, but also includes the duration of the services "if the resident’s “stay in the other Contracting State is for a period or periods amounting to or exceeding in the aggregate 183 days in any twelve-month period commencing or ending in the fiscal year concerned”. The OECD Model deleted Article 14 in 2000, did not contain the UN duration provision.	South Africa's recorded position is to "reserve the right to deem any person performing professional services or other activities of an independent character to have a permanent establishment if that person is present in the State for a period or periods exceeding in the aggregate 183 days in any twelve month period". Refer OECD : Para 14.1 - Positions on Article 5(3). The DRC also holds this position.	12	Botswana, Cameroon, DRC, Ethiopia, Lesotho, Mauritius, Mozambique, Rwanda, Seychelles, Swaziland, Tanzania, and Zimbabwe.
Permanent Establishment	5(4)(a) and 5(4)(b)	Treaties omit the word "delivery", i.e. align to the UN Model provisions.	This means that if the activities in a warehouse include delivery activities, the warehouse may qualify as a PE. ²² However, according to the UN Commentary, a 1997 study revealed that almost 75% of developing countries tax treaties included the term “delivery”, ²³ which is a similar trend to the South Africa treaties reviewed.	No stated position	6	Botswana, Cameroon, Ethiopia, Kenya, Swaziland and Uganda.
Permanent Establishment	Article 5(4)(e)	OECD/UN Models Article state" the maintenance of a fixed place of business solely for the purpose of carrying on, for the enterprise, any other activity of a preparatory or auxiliary character”, whereas the treaties replace "fixed place of business" with "a fixed place of business solely for the purpose of advertising, for the supply of information, for scientific research or for similar activities".	This limited exclusion phrase is the same as the 1963 OECD Model article 5(4), which was expanded in the 1977 OECD Model. ²⁴ It is argued that these treaties seek to limit the activities that are preparatory or auxiliary.	No stated position	5	Ethiopia, Mauritius, Namibia, Seychelles and Swaziland.
Permanent Establishment	Article 5(5)(b)	Treaties contain the additional UN paragraph 5(5)(b) which provides that where a person has no authority to conclude contracts, but “habitually maintains” a stock of goods or merchandise and he regularly delivers stock or merchandise, referred to as a "stock agent" PE.	One in three treaties, of which a non-OECD member is a party to, contain the stock agent provision. ²⁵ The UN commentary on Article 5 notes that if the only activity is delivery, then it is possible that no permanent establishment exists, but that if sales related activities such as advertising and promotional activities, then a permanent establishment may exist. ²⁶	No stated position	6	Botswana, Cameroon, Ethiopia, Kenya, Namibia, and Swaziland.
Permanent Establishment	Article 5(6)	Treaties contain an additional article as per UN Model paragraph 5(6), which deems an enterprise that collects insurance premiums or insures risks situating in another state through an agent situated in that other state.	Although the OECD Model definition of permanent establishment does not directly include agents who collect premiums, it is referenced in the OECD Commentary to Article 5, ²⁷ which notes that agencies of foreign insurance companies may not meet the permanent establishment definition, and thus the profits will not be taxed in that state. In this instance, per the commentary it is permissible to include such a paragraph. The UN model does not contain any thresholds, and this is justified on the basis that in the absence of special rules, due to the nature of the insurance industry, extensive business can be carried on in another State without any “fixed place of business and without dependent agents who have the authority to conclude contracts”. ²⁸	No stated position	6	Botswana, Cameroon, Ethiopia, Kenya, Tanzania, and Zimbabwe.
Permanent Establishment	Article 5(7)	Treaties include the UN article 5(7) additional provision for “the activities of such an agent are devoted wholly or almost wholly on behalf of that enterprise”.	The provision holds that if the relationship is not at arms’ length, then the agent is not an independent agent, and the exclusions of article 5(7) are not applicable. ²⁹	No stated position	4	Cameroon, Kenya, Namibia, Uganda and

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Business profits	Article 7(3)	UN Model contains additional provisions that there shall be no deduction allowed in respect of amounts paid to the head office of a permanent establishment, except for banking enterprises, and reimbursement of actual expenses.	<p>i) It has been noted that the additions to the UN Model were requested by the UN members of developing countries and was intended to be a “mere clarification”, and that it would be “helpful to include all necessary definitions and clarifications in the text of the guideline”.³⁰</p> <p>ii) OECD Commentary notes that the deletion "does not affect the requirement", and that all relevant expenses of a PE would be taken into account³¹ and that dealings should be at arms length.</p> <p>iii) SA domestic law provides that notional expenses are not a permissible deduction, expenses must actually be incurred.³²</p>	No specific provision to Article 7(3) other than that per above, i.e. South Africa's right to use the previous version of the OECD Model before 2010.	13	Botswana, Cameroon, DRC. Kenya, Lesotho, Mauritius, Namibia, Nigeria, Rwanda, Seychelles, Tanzania, Uganda, and Zimbabwe.
Shipping, inland waterways and air transport	Article 8(1)	Treaties do not include the phrase “that has its place of effective management in a Contracting State”, but instead state: “international traffic means any transport by a ship or aircraft operated by an enterprise of a Contracting State, except when the ship or aircraft is operated solely between places in the other Contracting State”.	<p>i) Commentary on Article 8(1) OECD Model notes that in certain circumstances the Contracting State in which the place of effective management is situated may not be the State of which an enterprise operating ships or aircraft is a resident, and some States therefore prefer to confer the exclusive taxing right on the State of residence. Such States are free to substitute a rule on the following lines: Profits of an enterprise of a Contracting State from the operation of ships or aircraft in international traffic shall be taxable only in that State.³³</p> <p>ii) The UN Model Commentary also noted that "although the texts of Article 8 (alternatives A and B) both refer to the “place of effective management of the enterprise”, some countries may wish to refer instead to the “State of residence of the enterprise”.³⁴</p> <p>iii) National treasury presentation to parliament provides for both POEM and residence of an enterprise for shipping and air transport.³⁵</p> <p>iv) SA-DRC Treaty Explanatory Memorandum³⁶ gives the example that "profits derived by South African Airways (SAA) from flights into and out of airports in Congo are taxable only in South Africa, similarly, the explanatory memorandum for the SA-Cameroon Treaty³⁷ includes the example for flights between SA and Cameroon by SAA, are taxed in South Africa.</p>	No stated position	17	All countries except Namibia.
Shipping, inland waterways and air transport	Article 8(1)	Treaties include "rail and road transport".	<p>Commentary on Article 8 of the UN Model provides that countries can negotiate to include “rail or road transport”.³⁸ Four countries (Botswana, Lesotho, Swaziland and Zimbabwe) are fully landlocked, and rely on rail or road.³⁹ The DRC is the 2nd largest country on the African continent, is largely landlocked, and has two main rail systems, and the most important one connects with the Zambia and Angola.⁴⁰ Namibia has implemented the “Trans Kalahari Corridor”, which connects a route from the Namibian port, Walvis Bay, to Botswana to Johannesburg in South Africa,⁴¹ and Mozambique also has a rail system that connects South Africa and other countries.⁴²</p> <p>Trade statistics (refer Annexure J) show that exports from South Africa to its neighbours are significant (Botswana USD 3.84b, Namibia USD 3.57b, Mozambique USD 2.89b, Zimbabwe USD 2.09b, Lesotho USD 1.35b, and Swaziland USD 1.28b), totalling 83% of South Africa's exports to SSA countries, 61% of it's exports to all Africa, and 16% of South Africa's total exports in 2017.</p>	South Africa's stated position is to "reserve the right to extend the scope of the Article to cover international road and railway transportation in bilateral conventions". Refer OECD para. 6.1 Positions on Article 8(1).	8	Botswana, DRC, Lesotho, Mozambique, Namibia, Swaziland, Tanzania and Zimbabwe.
Shipping, inland waterways and air transport	Article 8(2)	OECD/UN Model provides for "inland waterways transport", which is not in any of the treaties.	South Africa - Sub Saharan Africa treaties omit this paragraph. It is noteworthy that the updated 2017 OECD Model does not reference inland waterways transport.	South Africa's stated position is to "reserve the right the right not to extend the scope of the Article to cover inland waterways transportation. Refer OECD para. 7 Positions on Article 8(2).	18	All countries
Shipping, inland waterways and air transport	Article 8(3)	Treaties do not include the "home harbour" provision that is in OECD and UN Model.	This provision in OECD/UN Models are where POEM is aboard a ship or a boat, and the treaties do not use POEM, but residence, so this paragraph is not required in the treaties.	No stated position	17	All countries except Namibia.
Shipping, inland waterways and air transport	Article 8 (additional)	Treaties contain additional paragraphs not in OECD/UN Models: "profits from the operation of ships or aircraft in international traffic shall include profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, and profits derived from the rental on a bare boat basis of ships or aircraft used in international traffic, if such profits are incidental to the profits to which the provisions of paragraph 1 apply".	The OECD commentary to Article 8 specifically notes only where the “leasing activities are ancillary to international transport activities” that bareboat lease profits fall under Article 8 of the OECD Model. ⁴³	South Africa's stated position is to reserve "the right to include in paragraph 1 profits from the leasing of containers" - refer OCD para 4 Positions on Article 8(1); and "the right to include a provision that will ensure that profits from the leasing of ships or aircraft on a bare boat basis". Refer OCD para 6 Positions on Article 8(1).	15	Botswana, DRC, Ethiopia, Ghana, Kenya, Lesotho, Mauritius, Mozambique, Nigeria, Rwanda, Seychelles, Swaziland, Tanzania, Uganda, and Zimbabwe.

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Associated enterprises	Article 9(2)	OECD/UN Models provide that "the other State shall make an appropriate adjustment to the amount of the tax charged", but the treaties replace "shall" with "may".	i) This is significant as the term “may” is a choice to act or not, or a promise of a possibility ⁴⁴ as distinguished from "shall," which makes it imperative ⁴⁵ ii) The UN Model commentary does provide that if states want to eliminate the correlative adjustment, it can be achieved by replacing "shall" with "may". ⁴⁶ iii) In SA domestic law, in 1995, Section 31 granted powers to the Commissioner to make adjustments in cross-border transactions that are not at arm’s length, and this was amended in 2012, Section 31 requires the taxpayer to determine if the transaction is not at arm’s length, and calculate the adjustment. ⁴⁷	South Africa's stated position is to reserves the right to replace “shall” by “may” in the first sentence of paragraph 2.	11	Botswana, DRC, Ethiopia, Ghana, Mozambique, Namibia, Nigeria, Rwanda, Seychelles, Swaziland, and Tanzania.
Dividends	Article 10(2)	The OECD Model Art.10(2) limits the source state withholding tax limits to five per cent where the beneficial owner is the recipient of the dividend, provided that the beneficial owner directly owns at least 25 per cent of the company paying the dividends, and in all other cases, the withholding tax is limited to fifteen percent. The UN Model Article 10 provides that the beneficial owner is required to own directly at least 10 percent of the capital of the company paying the dividends, and the withholding tax rate should be “determined through bilateral negotiations”. The UN Model does not provide for a WHT limit for “all other cases”.	i) SA Treaties have varied WHT Rates and percentage requirements for beneficial ownership. ii). In South Africa domestic law, prior to 1 April 2012, there was no dividend withholding tax, but STC (as referenced earlier), thereafter dividends WHT of 15% introduced ⁴⁸ , which was increased to 20% in February 2018.	South Africa's stated position is to reserve "its position on the rates of tax in paragraph 2 and the minimum percentage for the holding in subparagraph a).	16	All countries except DRC and Namibia.
Interest	Article 11	Treaties include an additional paragraph for interest paid to government or political subdivisions, which exempts the interest from being taxed in that state, and three of these treaties also include interest paid by government or political subdivisions.	Although this is not specifically included directly in the OECD Model, the commentary to Article 11 notes that the States may clarify the scope of the exemptions in the bi-lateral treaties. ⁴⁹ The UN Model Commentary also makes mention of this. ⁵⁰	No stated position	13	Botswana, Cameroon, DRC, Ethiopia, Ghana, Mauritius, Mozambique, Nigeria, Rwanda, Swaziland, Tanzania, Uganda, and Zimbabwe.
Royalties	Article 12(1)	Treaties follow the UN Model by allocating the source state the right to tax Royalties, whereas the OECD Model wording states: "shall be taxable only in that other State", i.e. the UN Model replaces "shall" with "may".	1) A reason for this approach is for the country of use of the intellectual property, has a right to tax profits arising from such use. ⁵¹ 2) The DRC also retains the right to tax royalties at source. ⁵²	South Africa reserves the right to tax royalties at source, and South Africa reserves the right, in order to fill what they consider as a gap in the Article, to add a provision defining the source of royalties by analogy with the provisions of paragraph 5 of Article 11, which deals with the same issue in the case of interest.	16	All countries except Malawi and Seychelles.
Royalties	Article 12(2)	Treaties include an additional paragraph, per UN Model Article 12(2) to limit the WHT rates where the recipient is the beneficial owner.	i) The UN Model Article 12(2) does not specify a withholding tax limit, but states that “the competent authorities shall settle the mode of application by mutual agreement”. ii) In South African domestic law, withholding tax on royalties from a SA source, paid to a foreign person, is currently levied at 15 per cent, prior to 2015 was at 12 per cent. ⁵³	No stated position	16	All countries except Malawi and Seychelles.
Royalties	Article 12(3)	Treaties include the UN Model Article 12(3) phrase “or films or tapes used for radio or television broadcasting”.	It is argued that the reason for the broadening of the definition is to “further extend” the taxing rights of the source states. ⁵⁴	No stated position	17	All countries except Zimbabwe.
Royalties	Article 12(5)	Treaties contain UN Article 12(5) additional paragraph "royalties shall be deemed to arise in a Contracting State when the payer is a resident of that State. Where, however, the person paying the royalties, whether he is a resident of a Contracting State or not, has in a Contracting State a permanent establishment or a fixed base in connection with which the liability to pay the royalties was incurred, and such royalties are borne by such permanent establishment or fixed base, then such royalties shall be deemed to arise in the State in which the permanent establishment or fixed base is situated".	i) By including the place of use of the royalty as a sourcing rule, it means that there are two different sourcing rules, the first is the place of residence of the payer or permanent establishment situated in the state; and the second is place of use of the asset or right. ⁵⁵ ii) SA-Mozambique treaty explanatory memorandum notes: "If the liability to pay the royalties was incurred by the permanent establishment and the royalties are borne by such PE, the paragraph specifies that the source of the royalties is the Contracting State in which the permanent establishment is situated." ⁵⁶	No stated position	16	All countries except Malawi and Seychelles.

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Technical services	N/A	Treaties include additional article for Technical Services, not in OECD Model or UN Model (up to 2011).	i) Treaties include articles for Technical Services or Technical Fees. The treaty between South Africa and Ghana refers to “Management Services”. The provisions for technical services are similar to the UN Royalties Article 12 and allocate taxing rights to the source state. ii) Per UN Model Commentary, technical services payments are not know-how payments, which are treated as royalties, but are where the supplier performs services using his special skills, but there is no transfer of his knowledge. ⁵⁷ iii) OECD Model commentary notes that payments for new information would be obtained through the performing of services and are not considered as royalties. ⁵⁸ iv) Lesotho has 25% WHT levied on Service fees payable to non-residents for services such as accounting, auditing, economic, financial, legal, management, and consultancy, engineering, architectural and surveying. ⁵⁹ The DTA limit is 7.5%. v) Zimbabwe levies 15% WHT on fees that are technical, managerial, administrative, or consultative in nature. ⁶⁰ The DTA limit is 5%. vi) Cameroon levies 15% WHT on Fees for Technical Services, Digital Services and Professional Activities. ⁶¹ The DTA rate is 10%.	No stated position	8	Botswana, Cameroon, Ghana, Lesotho, Rwanda, Swaziland, Uganda, and Zimbabwe.
Capital gains	Article 13(1)	Treaties do not allocate taxing rights to state where POEM is situated (as per OECD/UN Models), but the state of the enterprise with the phrase "shall be taxable only in that State".	i) This is consistent with the deviations observed- in Article 8(1), International Traffic of the treaties, where the allocation of taxing rights is to the contracting state where the enterprise is situated. OECD Commentary does provide that states can negotiate this, and use the provisions per Commentary on Article 8. ii) National Treasury presentation to parliament - refer Article 8 comment above.	No stated position	16	All countries except Malawi and Namibia.
Capital gains	Article 13(3)	i) Treaties Article 13(3) include "road and rail transport" ii) treaties exclude "inland waterways transport".	Deviations are consistent to those contained in Article 8 in the treaties. Both OECD an UN Model Commentary have the same provisions as per Article 8.	No stated position to Article 13, but there is the stated position to Article 8 (refer above) that where South Africa states its position to "inland waterways".	i) 8 ii) 17	i) Botswana, DRC, Lesotho, Mozambique, Namibia, Swaziland, Tanzania and Zimbabwe, ii) all countries except Malawi.
Capital gains	Article 13(4)	i) 3 Three treaties reviewed, concluded prior to 2003, are aligned to the older OECD Model. ii) Seven treaties reviewed were all negotiated or redrafted over the periods 2005 to 2014 and align to the 2003 OECD definition. iii) Six treaties align to the first sentence of the UN Model 13(4)(a) but none of these treaties contain a definition of “principally”, that is provided the UN Model Article 13(4)(b). These treaties just refer to “ shares of the capital stock of a company the property of which consists directly or indirectly principally of immovable property “, with no definition of “principally”. iv) Treaties concluded with Botswana and Zimbabwe do not have a paragraph 13(4), instead, in paragraph 13(1) include the phrase: “or from the alienation of shares in a company the assets of which consist directly or indirectly or indirectly principally of such property, may be taxed in that other State”; the treaties do not define "principally". v) Old 1963 Model did not include this article.	i) Real property shares - the OECD Model after 2003 introduced para.13(4) states: "gains derived by a resident of a Contracting State from the alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property situated in the other Contracting State may be taxed in that other State". ii) The UN Model Article 13(4)(a) provides that gains from “capital stock” of a company that “directly or indirectly principally of immovable property situated in a Contracting State may be taxed in that State”, and 13(4)(b) provides a definition for "principally" - means the value of such immovable property exceeding 50 per cent of the aggregate value of all assets owned by the company". iii) In the treaties where the percentage of real property shares is not defined, then the provisions of Article 6(2), in the treaties, will apply. iii) Kenya, from the period 1985-2015 did not include Capital Gains to promote investment in the real estate sector, ⁶² which would extend to "real property shares". iv) SA Domestic law provides that for non-residents, South Africa’s domestic law defines an “interest in immovable property” where at least 20 per cent ownership of shares in a company in which at least 80 percent value is attributable to immovable property situated in the Republic. ⁶³	No stated position	i) 3 ii) 7 iii) 6 iv) 2 v) 1	i) Namibia, Nigeria, and Uganda, ii) Cameroon, Kenya, Lesotho, Mauritius, Rwanda, Seychelles Protocol 2010, and Tanzania, iii) DRC, Ethiopia, Ghana, Mozambique, Rwanda, and Swaziland, iv) Botswana and Zimbabwe, v) Malawi.
Income from employment	Article 15(3)	The OECD/UN models do not give one state exclusive taxing rights, as the provision indicates that the remuneration may be taxed in state in which the enterprise has its POEM. The majority of treaties hold that such income derived from employment exercised on a ship or aircraft may be taxed by the Contract State of the employer.	Consistent with "International Traffic" Article 8 in the treaties	No stated position	17	All countries except Malawi.
Income from employment	Article 15(3)	i) Eight treaties also include “road and rail”, ii) none of the treaties reviewed refer to “boats engaged in inland waterways.	Consistent with the deviations for Article 8 for transport used in international traffic.	No stated position	i) 8 ii) 18	i) Botswana, DRC, Lesotho, Mozambique, Namibia, Swaziland, Tanzania, and Zimbabwe, ii) All countries.

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Entertainers and sportspersons	Article 17	Treaties contain an additional paragraph which grants exclusive taxing rights to the resident state of the entertainer or sportsperson if the visit is wholly or mainly funded by public funds of the resident state.	i) The OECD Commentary states that the States are free to include such a provision. ⁶⁴ A reason for this provision is to restrict the amount of public funds used, which would have to be increased if there were foreign taxes to pay. ⁶⁵ UN Commentary also noted that some countries would want to exclude such income from the article, but the Commentary notes that "the exemptions should be based on clearly definable and objective criteria". ⁶⁶ ii) The Mauritius tax treaty with Sweden demonstrates Mauritius views on these payments, where Mauritius notes up to the host State to determine the manner in which to exercise its taxing right. The government of Mauritius uses its tax treaties as part of the tools for promoting international and cross-cultural exchanges. Thus, in common with most of the treaties it has concluded, this treaty includes an additional provision, which accords exceptional treatment to income derived by visiting artistes and sportsmen from Mauritius where the activities are substantially supported with public funds. ⁶⁷	No stated position	9	Botswana, Cameroon, Ethiopia, Ghana, Mauritius, Mozambique, Nigeria, Seychelles, and Tanzania.
Pensions	Article 18	Treaties also allocate taxing rights to the source state, whereas OECD Model exclusively allocates taxing rights to the resident state of recipient.	i) UN Model Article 18 (Alt. B) contains this provision, ii) This trend is not unique, it was noted in an OECD discussion paper that some states "are reluctant to adopt the principle of exclusive residence taxation of pensions", ⁶⁸ iii) OECD Commentary does provide alternative wording for states allocation of taxing rights to the source state, ⁶⁹ iv) Malawi treaty does not have a "Pensions" Article.	No stated position in 2014 Model, earlier models (1997-2003): reserve the right to provide that the Contracting State in which pensions and other similar remuneration and annuities arise has a right to tax, albeit not the exclusive right.	17	All countries except Malawi.
Pensions	Article 18	Treaties include additional paragraph, not in OECD Model, which allocates exclusive taxing rights to the source state for pensions paid under public schemes or under a social security system.	i) This paragraph is contained UN Model Article 18(2), ii) OECD Commentary provides that where pensions are paid out of public funds, the states that apply the credit method can "consider that the State of source should have exclusive rights to tax such payments", and provides an example. ⁷⁰ iii) South Africa has a state "Grant for Old Persons". ⁷¹ iv) Other SSA countries also have public pension funds such as Ghana has a mandatory "Basic National Social Security Scheme"; ⁷² and Cameroon has an "Old Age Pension" program. ⁷³	No stated position	11	Botswana, Cameroon, DRC, Ghana, Kenya, Lesotho, Mauritius, Mozambique, Seychelles, Tanzania and Zimbabwe.
Pensions	Article 18	Treaties include "annuities", which is not in OECD Model or UN Model. "Annuity" is defined in the treaties as "a stated sum payable periodically at stated times during life or during a specified or ascertainable period of time under an obligation to make the payments in return for adequate and full consideration in money or money's worth".	i) Annuities are not include in OECD Article 18, and would be thus included in Article 21 "Other Income", and be exclusively taxed in the state of residence. ⁷⁴ ii) As South Africa wants to promote retirement savings, retirement annuities would receive tax incentives similar to pensions, and are permitted tax deductions in domestic legislation. ⁷⁵	South Africa's stated position is to "reserve the right to include in paragraph 1 an explicit reference to annuities".	17	All countries except Malawi.
Professors and teachers	N/A	Treaties contain an additional article for Professors and Teachers, with Kenya and Cameroon treaties also including researchers.	i) While this is not a UN Model Article, the UN Model Commentary notes that notes that some countries may wish to include an article for teachers, but advises to limit the taxation benefits a duration of normally two years, the teaching services are at recognised institutions, to limit the benefit to activities in the public, and not private interests. ⁷⁶ ii) National Treasury's presentation on the Kenya treaty for approval notes that "Article 20 dealt with professors, teachers and researchers. Here South Africa was trying to encourage the movement of education professionals between the countries. If a professor, teacher or researcher visited the country from the other country to teach in a recognised educational institution, he or she would be exempt from tax in the country which he visited, "provided that his or her visit was for less than two years and also provided that his or her remuneration came from outside." ⁷⁷	No stated position	10	Cameroon, Ethiopia, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Namibia, and Seychelles.
Other income	Article 21	OECD Model grants the resident state exclusive taxing rights to income that cannot be categorised in other articles. The treaties grant source state taxing rights either through an additional paragraph, similar to the UN Model Article 21(3), or by containing alternative wording for OECD Article 21(1), where the words "shall be taxed" are changed to "may be taxed".	i) Treaties include UN Article 21(3), ii) Treaties change wording of Article 21(1). Both of the above allocate taxing rights to the source state.	South Africa reserves their position on this Article "as they wish to maintain the right to tax income arising from sources in their own country".	i) 11 ii) 4	i) Botswana, Cameroon, DRC, Ghana, Kenya, Lesotho, Mauritius, Mozambique, Rwanda, Seychelles and Zimbabwe, ii) Nigeria, Swaziland, Tanzania and Zimbabwe.
Capital	Article 22	Treaties do not contain Article 22.	South Africa domestic legislation does not include wealth taxes.	No stated position	18	All countries

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
Shipping, inland waterways and air transport	Article 23(1)	Treaties include a phrase "subject to the laws of South Africa".	i) This practice occurred South Africa's earlier tax treaties as a result of being a United Kingdom colony. In the 1945 treaty between UK-USA treaties the phrase emerged, as treaties in the UK had, a constitutional relationship, and only became part of domestic law by an act of parliament, This phrase was not found in South African as treaties concluded between 1963 – 2000, ⁷⁷ However it has since re-emerged after the introduction of the "residence basis of taxation" in 2001. ii) "Section 6quat(1)(a) provides that the rebate may only be claimed in respect of income from a source derived outside the Republic which is not deemed to be from a source within the Republic. In addition, the Act contains provisions which provides for income to be deemed to be from a South African source (see section 9)". ⁷⁹	No stated position	14	All countries except Malawi, Namibia, Nigeria, and Uganda.
Non-discrimination	Article 24	Treaties allow South Africa to tax permanent establishments by including the provision: "Nothing contained in this Article shall prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company, which is a resident of (state name), a tax at a rate which does not exceed the rate of normal tax on companies by more than five percentage points".	i) The reason for this inclusion was because of STC previously levied on companies when they declared dividends. STC was abolished in 2012, and subsequent treaties concluded do not contain this paragraph. ⁸⁰ but this has been removed from later treaties after STC was abolished ⁸¹ ii) It was argued that it may be “perceived as discrimination” if PE’s were not similarly taxed. ⁸²	Up to 2005: South Africa position was to reserves the right to add a paragraph stating that nothing in the Article will prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company that is not a resident, a tax at a rate that does not exceed the rate of normal tax on companies by more than five percentage points.”	11	Botswana, DRC, Ethiopia, Ghana, Kenya, Mauritius, Mozambique, Nigeria, Rwanda, Swaziland and Tanzania.

P.J. Hattingh, *South Africa - Corporate Taxation*, para 5.1. , Country Analyses IBFD.

South African Income Tax Act No. 58 of 1962 definition of "gross income" (c) includes amounts received or accrued in respect of services rendered, in respect of employment.

Parliamentary Monitoring Group, *Overview of International Agreements, a briefing to the Select Committee on Finance by SARS and National Treasury on the different types of tax agreements, including Double Tax Agreements*, 27 August 2014. available: <https://pmg.org.za/committee-meeting/17440/>

Hattingh, *supra* n.1, at para 1.1.3.

Hattingh, *supra* n.1, at para 1.1.3.

Article 4(1) *OECD Model Tax Convention on Income and on Capital* , 15 July 2014, Models IBFD.

L. Oliver and M. Honiball, *International Tax A South African Perspective* , 5th edition, Ch 6 para. 10(2), (2011).

Para.8. *OECD Model: Commentary on Article 3 (2014)* , Models IBFD.

Oliver and Honiball, *supra* n.6. at Ch 6 para. 10(8).

STATSSA, *Key findings: P2041 - Mining: Production and Sales* , March 2018, available at http://www.statssa.gov.za/?page_id=1856&PPN=P2041&SCH=7203 .

Botswana Investment and Trade Centre, *Mining*, available: <https://www.gobotswana.com/sector/mining>.

A Ross, *Congo to seek up to \$500 million in budget support from World Bank*, Africatech, 17 May 2016, available: <https://af.reuters.com/article/drcNews/idAFL5N18E3B5> .

M Senkhane, *Ethiopia: Ministry exerting efforts to leverage mining industry*, MiningNews, 8 April 2017, available: <http://www.miningne.ws/2017/04/18/ethiopia-ministry-exerting-efforts-to-leverage-mining-industry/#>.

TanzaniaInvest.com, *Tanzania Mining*, available: <https://www.tanzaniainvest.com/mining>.

K Holmes, *International Tax Policy and Double Tax Treaties – An Introduction to Principles and Application* (Second Revised Edition), Chapter 9.4.3. (2014),Online Books *IBFD*.

South Africa 20 Year Review- Chapter 5 Infrastructure - Government Publication, available: <https://www.dpme.gov.za/publications/20%20Years%20Review/20%20Year%20Review%20Documents/20YR%20Chapter%205%20Infrastructure.pdf>

B.J. Arnold, *Article 5: Permanent Establishment - Global Tax Treaty Commentaries* , Global Tax Treaty Commentaries, IBFD . 5.1.1.2.1.

Para. 26, *UN Model: Commentary on Article 5*, (2011), Models IBFD.

Para. 42 and 43, *OECD Model: Commentary on Article 5*, (2014), Models, IBFD.

A Miller, *Taxing Cross-Border Services: Current Worldwide Practices and the Need for Change* – Chapter 8 : The Services PE , Online Books IBFD.

T. Gutuza, *Enterprise Services (South Africa)* , IFA Cahiers Vol 97a, IFA.

Oliver and Honiball, *supra* n.6, at Ch. 11 p.341.

Para. 20, *UN Model: Commentary on Article 5* (2011), Models, IBFD.

Arnold, *supra* n.16 at para. 4.1.1.2.

Arnold, *supra* n.16 at para. 5.7.

Para. 26, *UN Model: Commentary on Article 5*, Models IBFD.

Para. 39, *OECD Model: Commentary on Article 5*, Models IBFD.

Arnold, *supra* n.16, at para. 5.2.1.

Oliver and Honiball, *supra* n.6, at Ch.11, para. 3, p346.

J. Sasseville & R.J. Vann, *Article 7: Business Profits - Global Tax Treaty Commentaries* , section 1.2.4.3., Global Tax Treaty Commentaries IBFD.

Para 40, *OECD Model: Commentary on Article 7* , (2014), Models IBFD.

South Africa Income Tax Act No. 58 of 1962, Section 11(a).

Para 2, *OECD Model: Commentary on Article 8* , (2014), Models IBFD.

Para. 5, *UN Model: Article 8 Commentary General Considerations* , UN Model 2011, Models IBFD.

PMG: *Overview of International Agreements, a briefing to the Select Committee on Finance by SARS and National Treasury on the different types of tax agreements, including Double Tax Agreements* , 27 August 2014. Available: <https://pmg.org.za/committee-meeting/17440/>.

PMG: *Explanatory Memorandum of the Double Taxation Convention between the Government of the Democratic Republic of Congo and the Government of the Republic of South Africa*, available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/2005/050525congomemo.pdf> .

PMG: *Tax treaties & double-taxation agreements with Cameroon, Qatar, Hong Kong, Lesotho, Cyprus* ; Presentation by National Treasury to the NCOP, 28 April 2005, available: <https://pmg.org.za/committee-meeting/20740/> .

Para. 7, *UN Model: Commentary on Article 8* , Models IBFD.

R. C. Paudel, *Landlockedness and Economic Growth: New Evidence". Growth and Export Performance of Developing Countries: Is Landlockedness Destiny ?* 2012, available: https://openresearch-repository.anu.edu.au/bitstream/1885/12009/1/Paudel_R.C._2013.pdf

PWC Report, *Democratic Republic of Congo, Africa Gearing Up* , available at <https://www.pwc.com/gx/en/transportation-logistics/publications/africa-infrastructure-investment/assets/drc.pdf>.

R Kache, *Namibia Transit Transport System, Expert Meeting on Regional Cooperation in Transit Transport: Solutions for Landlocked and Transit Developing Countries*, September 2007, available at http://unctad.org/sections/wcmu/docs/c3em30p19_en.pdf

Mozambique Transportation, Export.Gov available at <https://www.export.gov/article?id=Mozambique-Transport>.

Table of significant deviations observed in the treaty analysis

Annexure C2

Article Description	Article / Para. Reference	Deviation description	Comment on deviation	South Africa's recorded position on OECD Model Articles	Number of Countries	Treaty Countries with deviation
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43 Para. 5, *OECD Model: Commentary on Article 8(1)* (2014), Models IBFD.

44 "may", definition available at: <http://dictionary.law.com/Default.aspx?selected=1229>.

45 "shall", definition available at: <http://dictionary.law.com/Default.aspx?selected=1945>.

46 Para. 7, *UN Model: Commentary on Article 9(2)* (2011), Models IBFD.

47 SAICA: *Transfer Pricing – Section 31 Further Analysis*, Integritax, November 2013 Issue 170, available at https://www.saica.co.za/integritax/2013/2256_Section_31_%C3%BB_Further_analysis.htm

48 Hattingh, *supra* n.1, at sec. 1.

49 Para. 7.4, *OECD Model: Commentary on Article 11*, (2014), Models IBFD.

50 Para. 16, *UN Model: Commentary on Article 11*, (2011), Models IBFD.

51 M. Lennard, *The UN Model Tax Convention as Compared with the OECD Model Tax Convention – Current Points of Difference and Recent Developments* . Asia-Pacific Tax Bulletin, para 1. 5, (2008), Journals IBFD.

52 Para.3, *OECD Model: Positions on Article 12*, 2014, Models IBFD.

53 Hatting, *supra* n.1, at section 7.3.4.3.

54 A. Binder and S. Siller, *Chapter 5: Passive Income in The UN Model Convention and Its Relevance for the Global Tax Treaty Network* (M. Lang et al. eds, IBFD 2017), para. 5.4.1. Online Books IBFD.

55 A.J. Martín Jiménez, *Article 12: Royalties - Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

56 PMG: *Explanatory Memorandum on the Double Taxation Convention between the Republic of South Africa and the Republic of Mozambique* , available: <http://pmg-assets.s3-website-eu-west-1.amazonaws.com/docs/2005/050817mozammemo.pdf>

57 Para 12, *UN Model: Commentary on Article 12* (2011), Models IBFD.

58 Para.11.1, *OECD Model: Commentary on Article 12* , 2014, Models IBFD.

59 Lesotho Revenue Authority, *Income Tax Public Ruling - Withholding Taxes* , available: <http://www.lra.org.ls/sites/default/files/2017-03/Withholding%20Tax%20Public%20Ruling.pdf>

60 PWC, *Worldwide Tax Summaries, Zimbabwe, Corporate- Withholding Taxes*, available: <http://taxsummaries.pwc.com/ID/Zimbabwe-Corporate-Withholding-taxes> .

61 PKF, *Cameroon Tax Guide*, (2016/2017), available: <https://www.pkf.com/media/10028398/cameroon-tax-guide-2016-17.pdf>

62 EY Global Tax Alert, *Kenya Reintroduces Capital Gains Tax* , Oct. 2014, available: <https://www.ey.com/gl/en/services/tax/international-tax/alert--kenya-reintroduces-capital-gains-tax>

63 Paragraph 2(2), 8th Schedule, Income Tax Act of 58 of 1962.

64 Para 14. *OECD: Commentary on Article 17 (2014)* , Models IBFD.

65 J. Roeleveld & K. Tetlak, *Article 17: Entertainers and Sportspersons - Global Tax Treaty Commentaries* , Global Tax Treaty Commentaries IBFD.

66 Para 14, *UN Model: Commentary on Article 17* ,(2011), Models IBFD.

67 See treaty concluded between The Kingdom of Sweden and the Republic of Mauritius, Article 17 (2011), Treaties IBFD.

68 OECD, *Discussion Draft: Tax Treaty Issues Arising from Cross Border Pensions, 14 November 2003*, available: <https://www.oecd.org/ctp/treaties/19239649.pdf>.

69 Para. 15 example (a), *OECD: Commentary on Article 18* (2014), Models IBFD.

70 Para. 27 OECD: *Commentary on Article 18* (2014), Models IBFD.

71 South African Government: *Old Age Pension* , available: <https://www.gov.za/services/social-benefits-retirement-and-old-age/old-age-pension>

72 OECD: *Countries - Ghana* , available: <http://www.oecd.org/countries/ghana/48748614.pdf>.

73 SSA: *Social Security Programs Throughout the World: Africa, 2011:Cameroon* , available: <https://www.ssa.gov/policy/docs/progdesc/ssptw/2010-2011/africa/cameroon.html>.

74 P. Brown, *Articles 18 and 19(2): Pensions – Global Tax Treaty Commentaries*, Global Tax Treaty Commentaries IBFD.

75 See treaty concluded between South Africa and Lesotho as example of wording, which is similar or identical in the rest of the treaties analysed.

76 National Treasury, *Strengthening Retirement Savings: An Overview of Proposals Announced in the 2012 Budget*, 14 May 2012, available: <http://www.treasury.gov.za/publications/RetirementReform/20120314%20-%20Strengthening%20retirement%20savings.pdf> .

77 PMG: National Treasury presentation to the Finance Standing Committee, *Double Taxation Agreements with UK & Kenya: briefing & approval*, 8 February 2011, available: <https://pmg.org.za/committee-meeting/12515/>

78 J. Hattingh, *Key Practical Issues to Eliminate Taxable Income* , IFA Cahiers, 2011 volume2b South Africa, available at https://www.ifa.nl/Cah_Documenten/Cahiers2011/Subject%202/ifacahier_2011_volume2_b-outhafrica.pdf.

79 M Snyckers, ENS: *Foreign Tax Credits - Recent Developments* , available: <https://www.ensafrica.com/newsletter/briefs/taxMay09foreign.html>

80 Hattingh, *supra* n.58, at para. 2.1.2.2.

81 See treaties concluded between South Africa and Cameroon, Lesotho, and Zimbabwe.

82 L. Kruger, IFA Cahiers: *Non-discrimination at the Crossroads of International Taxation - South Africa* , 2008 - Volume 93A, at Para. 2.2, Online Books IBFD.

Summary of significant deviation in South African treaties with Sub-Saharan African countries compared to the OECD and UN Models

Annexure D

The table below depicts the significant deviations observed in the treaties analysed compared to UN Model and UN Commentary, and if is deviation is mentioned in OECD Commentary.

	OECD Article Description	OECD Article Reference	Description of the Significant Deviation	Number of treaties where deviation occurs	In OECD Comm (A)	In UN Model or UN Commentary (B)
1	Taxes covered	Art 2(1)	Treaties omit "total capital", "elements of capital", and "capital appreciation".	15	n/a	n/a
2	Taxes covered	Art 2(2)	Treaties omit "wages and salaries".	11	n/a	n/a
3	Taxes covered	Art 2(3)	Treaties include STC, which is also found in Article 24.	15	n/a	n/a
4	General definitions	Art 3(1)(a)	Treaties include "any other body of persons that is treated as an entity for tax purposes".	17	n/a	n/a
5	General definitions	Art 3(1)(g)	Treaties omit the term "Partnerships" from "National - legal persons".	15	n/a	n/a
6	Permanent establishments	Art 5(2)	PE's: treaties include "extraction and exploitation".	13	●	●
7	Permanent establishments	Art 5(3)(a)	PE's: treaties include "more than six months" and "assembly project" or "supervisory services".	16	n/a	●
8	Permanent establishments	Art 5(3)(b)	Service PE's: treaties include "furnishing of services".	15	●	●
9	Permanent establishments	Art 5(3)(c)	Service PE's: treaties include "independent professional services".	12	n/a	● Note ¹
10	Business profits	Art 7(3)	Limitation of deductions to head office.	13	n/a	●
11	Shipping, inland water/w, air.	Art 8(1)	No POEM, but residence of enterprise (also applies to "International traffic" definition in Article 3(1), Article 6, and Article 15(3) where income is in connection with international traffic). Also, Article 8(3) for "home harbour" is not in the treaties as POEM is not used.	17	●	●
12	Shipping, inland water/w, air.	Art 8(1)	Treaties include road and rail transport used in international traffic. This also applies to "International traffic" definition in Article 3(1)(e), Article 13(3), and Article 15(3) where income is in connection with international traffic.	8	●	●
13	Shipping, inland water/w, air.	Art 8(2)	Treaties omit "inland waterways transport", which also applies to Article 13(3) Article 15(3).	18	n/a	n/a
14	Shipping, inland water/w, air.	Art 8	Treaties include income on "bare boat basis" and from the "leasing of containers".	15	●	●
15	Associated enterprises	Art 9(2)	Treaties replace "shall" with "may" regarding adjustments for non-arms length transactions.	11	n/a	●
16	Dividends	Art 10(2)	Treaties have varied limits on tax rates and ownership limits.	16	n/a	●
17	Interest	Art 11	Additional paragraph for exemption of interest arising from or paid to Government.	13	●	●
18	Royalties	Art 12	Grant source state to tax royalties, with limits on WHT rates, and provides a limit of WHT (Art 12(2) where recipient is the beneficial owner.	16	n/a	●
19	Royalties	Art 12(3)	Royalty definition broadened.	17	n/a	●
20	Royalties	Art 12	Deemed royalty provision for royalties borne by PE (additional paragraph).	16	n/a	●
21	N/A	N/A	Technical Services (additional article).	8	n/a	●
22	Capital gains	Art 13(3)	Capital gains - alienation of ships and aircraft - allocation of taxing rights to residence, not POEM.	16	n/a	●
23	Capital gains	Art 13(4)	Treaties do not define "principally" or contain 50% requirement for "real property shares".	8	n/a	n/a
24	Entertainers & sportspersons	Art 17	Exclusive source state rights if visit funded by public funds.	9	●	●
25	Pensions	Art 18(1)	Source state taxing rights for pensions.	17	●	●
26	Pensions	Art 18	Source state taxing rights for pensions from public schemes (additional paragraph).	11	●	●

	OECD Article Description	OECD Article Reference	Description of the Significant Deviation	Number of treaties where deviation occurs	In OECD Comm (A)	In UN Model or UN Commentary (B)
27	Pensions	Art 18	Annuities included as pensions (additional paragraph).	17	●	●
28	N/A	N/A	Professors and Teachers - additional article.	10	n/a	●
29	Other income	Art 21	Other income - taxation rights allocated to source state.	14	n/a	●
30	Capital	Art 22	Treaties omit article "Taxation on Capital".	18	n/a	n/a
31	Elimination of double taxation	Art 23(1)	Phrase in treaties "subject to the provisions of the laws of South Africa".	14	n/a	n/a
Total significant deviations				31	10	22
% of Significant deviations					32%	71%

Explanation of columns

- A The deviation observed is referenced in the OECD Commentary, even though not included in OECD Model.
- B The deviation observed is found in the UN Model or UN Commentary.

Explanations

● This means that the deviation observed in the treaties compared to the OECD Model, is covered in the OECD Commentary and/or the UN Model Commentary

Note 1 UN Model has Article 14 for Independent Personal Services.

Summary of deviations compared to South Africa's OECD positions or domestic legislation

Annexure E

The table below depicts the significant deviations observed in the majority of treaties analysed compared to South Africa's positions on the OECD Model, domestic legislation, and National Treasury presentations

	OECD Article Description	OECD Article Ref.	Description of the Significant Deviation	Number of treaties where deviation occurs	In OECD Comm (A)	In UN Model or UN Comm (B)	SA Pos./ Dom. Law / Nat. Treas. (C)	SA Pos./ Dom. Law / Nat. Treas. (D)
1	Taxes covered	Art 2(1)	Treaties omit "total capital", "elements of capital", and "capital appreciation".	15	n/a	n/a	Dom. Law	●
2	Taxes covered	Art 2(2)	Treaties omit "wages and salaries".	11	n/a	n/a	n/a	n/a
3	Taxes covered	Art 2(3)	Treaties include STC, which is also found in Article 24.	15	n/a	n/a	Dom. Law	●
4	General definitions	Art 3(1)(a)	Treaties include "any other body of persons that is treated as an entity for tax purposes".	17	n/a	n/a	SA Position	●
5	General definitions	Art 3(1)(g)	Treaties omit the term "Partnerships" from "National - legal persons".	15	n/a	n/a	Dom. Law	●
6	Permanent establishments	Art 5(2)	PE's: treaties include "extraction and exploitation".	13	●	●	SA Position	●
7	Permanent establishments	Art 5(3)(a)	PE's: treaties include "more than six months" and "assembly project" or "supervisory services".	16	n/a	●	SA Position	●
8	Permanent establishments	Art 5(3)(b)	Service PE's: treaties include "furnishing of services".	15	●	●	SA Position	●
9	Permanent establishments	Art 5(3)(c)	Service PE's: treaties include "independent professional services".	12	n/a	● Note ¹	SA Position	●
10	Business profits	Art 7(3)	Business Profits: limitation of deductions to head office.	13	n/a	●	SA Position	●
11	Shipping, inland water/w, air.	Art 8(1)	No POEM, but residence of enterprise (also applies to "International traffic" definition in Article 3(1), Article 6, and Article 15(3) where income is in connection with international traffic). Also, Article 8(3) for "home harbour" is not in the treaties as POEM is not used.	17	●	●	Nat Treas.	Note ²
12	Shipping, inland water/w, air.	Art 8(1)	Treaties include road and rail transport used in international traffic. This also applies to "International traffic" definition in Article 3(1)(e), Article 13(3), and Article 15(3) where income is in connection with international traffic.	8	●	●	SA Position	●
13	Shipping, inland water/w, air.	Art 8(2)	Treaties omit "inland waterways transport", which also applies to Article 13(3) Article 15(3).	18	n/a	n/a	SA Position	●
14	Shipping, inland water/w, air.	Art 8	Treaties include income on "bare boat basis" and from the "leasing of containers".	15	●	●	SA Position	●
15	Associated enterprises	Art 9(2)	Treaties replace "shall" with "may" regarding adjustments for non-arms length transactions.	11	n/a	●	SA Position	●
16	Dividends	Art 10(2)	Treaties have varied limits on tax rates and ownership limits.	16	n/a	●	SA Position	●
17	Interest	Art 11	Additional paragraph for exemption of interest arising from or paid to Government.	13	●	●	Dom. Law	●
18	Royalties	Art 12	Grant source state to tax royalties, with limits on WHT rates, and provides a limit of WHT (Art 12(2) where recipient is the beneficial owner.	16	n/a	●	SA Position	●
19	Royalties	Art 12(3)	Royalty definition broadened.	17	n/a	●	Dom. Law	●
20	Royalties	Art 12	Deemed royalty provision for royalties borne by PE (additional paragraph).	16	n/a	●	SA Position	●
21	N/A	N/A	Technical Services (additional article).	8	n/a	●	n/a	n/a
22	Capital gains	Art 13(3)	Capital gains - alienation of ships and aircraft - allocation of taxing rights to residence, not POEM.	16	n/a	●	Nat Treas.	Note ³
23	Capital gains	Art 13(4)	Treaties do not define "principally" or contain 50% requirement for "real property shares".	8	n/a	n/a	n/a	n/a

	OECD Article Description	OECD Article Ref.	Description of the Significant Deviation	Number of treaties where deviation occurs	In OECD Comm (A)	In UN Model or UN Comm (B)	SA Pos./ Dom. Law / Nat. Treas. (C)	SA Pos./ Dom. Law / Nat. Treas. (D)
24	Entertainers & sportspersons	Art 17	Exclusive source state rights if visit funded by public funds.	9	●	●	n/a	n/a
25	Pensions	Art 18(1)	Source state taxing rights for pensions.	17	●	●	SA Position	Note ⁴
26	Pensions	Art 18	Source state taxing rights for pensions from public schemes (additional paragraph).	11	●	●	n/a	n/a
27	Pensions	Art 18	Annuities included as pensions (additional paragraph).	17	●	●	SA Position	●
28	N/A	N/A	Professors and Teachers - additional article.	10	n/a	●	n/a	n/a
29	Other income	Art 21	Other income - taxation rights allocated to source state.	14	n/a	●	SA Position	●
30	Capital	Art 22	Treaties omit article "Taxation on Capital".	18	n/a	n/a	Dom. Law	●
31	Elimination of double taxation	Art 23(1)	Phrase in treaties "subject to the provisions of the laws of South Africa".	14	n/a	n/a	Dom. Law	●
Total significant deviations				31	10	22		25
% of Significant deviations					32%	71%		81%
							Domestic Law	7
							SA Position	16
							Nat. Treasury	2
								25
								81%

Explanation of columns

- A The deviation observed is referenced in the OECD Commentary, even though not included in OECD Model.
- B The deviation observed is found in the UN Model or UN Commentary.
- C and D The deviation arises out of South Africa's position on the OECD Model (SA Pos.) or SA domestic law (Dom. Law) or in National Treasury presentations (Nat. Treas.).

Explanatory notes



This means that the deviation observed in the treaties compared to the OECD Model, is covered in the OECD Commentary and/or the UN Model Commentary; and where the deviation is supported by either South Africa's position on the OECD Model, South Africa's domestic laws, or covered in National Treasury presentations to parliament.

- Note 1 UN Model has Article 14 for Independent Personal Services.
- Note 2 National Treasury presentation to Parliamentary Committee - Overview of International Agreements - Article 8 .
- Note 3 National Treasury presentation to Parliamentary Committee - Overview of International Agreements - Article 8 - implied for other articles/paragraphs where international transport is referenced.
- Note 4 South Africa had a position on this Article before 2014 OECD Model.

Country	Regional Organisation	ATAF Member	COMESA-SADC-EAC TFTA Agreement signed
Botswana	SADC	ATAF	TFTA
Cameroon	ECCAS	ATAF	-
Democratic Republic of Congo	SADC, ECCAS	N/A	TFTA
Ethiopia	COMESA	N/A	-
Ghana	ECOWAS, WATAF	ATAF	-
Kenya	EAC, COMESA	ATAF	TFTA
Lesotho	SADC	ATAF	-
Malawi	SADC, COMESA	ATAF	TFTA
Mauritius	SADC, COMESA	ATAF	TFTA
Mozambique	SADC	ATAF	-
Namibia	SADC	ATAF	TFTA
Nigeria	ECOWAS, WATAF	ATAF	-
Rwanda	EAC, ECCAS, COMESA	ATAF	TFTA
Seychelles	SADC, COMESA	ATAF	TFTA
South Africa	SADC, COMESA	ATAF	TFTA
Swaziland	SADC, COMESA	ATAF	TFTA
Tanzania	SADC AND EAC	ATAF	TFTA
Uganda	EAC, COMESA	ATAF	TFTA
Zimbabwe	SADC, COMESA	ATAF	TFTA

Organisations in Sub-Saharan Africa

ATAF	African Tax Administration Forum	https://www.ataftax.org/
SADC	Southern Africa Development Community	https://www.sadc.int/
EAC	East African Community	https://www.eac.int/
ECOWAS	Economic Community of West African States	http://www.ecowas.int/
ECCAS	Economic Community of Central African States	http://www.cceac-eccas.org/index.php/fr/
COMESA	Common Market for Eastern and Southern Africa	http://www.comesa.int/
WATAF	West Africa Tax Administration Forum	http://wataf-tax.org/
TFTA (Comesa-SADC-EAC)	Tripartite Free Trade Area	http://www.comesa.int/22-countries-have-now-signed-the-tripartite-agreement/

Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC

Annexure G

OECD Article/ Para.	Article Description	Deviations or observation of comparative treaty analysis (general trend)	No. of treaties with deviation	% of Deviation	South Africa Position to OECD Model ¹	Domestic Law ²	ATAF ³	SADC ⁴	EAC ⁵
1(1)	Persons covered / Personal Scope	No significant deviations observed.	N/A	N/A	Reserves its position on that part of paragraph 1 which states that the Convention should apply to taxes of local authorities.	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model.
2(1)	Taxes covered	Exclude taxes on "capital imposed", "total capital" and "capital appreciation".	15	83%	No stated position.	There is no tax on Capital or "Wealth Tax" in South Africa.	ATAF Model Art. 2(2) excludes references to "Capital".	SADC Model Art. 2(2) excludes references to "Capital".	EAC Model Art. 2(2) excludes references to "Capital".
2(2)	Taxes covered	Exclude "taxes on the total amounts on wages or salaries paid by an enterprise".	11	61%	No stated position.	Wages and salaries are included in Gross Income definition in the Income Tax Act.	ATAF Model Art. 2(2) includes "wages and salaries".	SADC Model Art. 2(2) excludes "wages and salaries".	EAC Model Art. 2(2) includes "wages and salaries".
2	Taxes covered	SA taxes - inclusion of STC.	15	83%	No stated position.	In South Africa, STC was a second-level tax on company that distributed profits and was in existence from 1994-2012.	N/A	N/A	N/A
3(1)(c)	Territorial definition and Territorial Extension	Treaties define the Contracting States in the definitions, and exclude Article 28/29 Territorial Extension.	18	100%	No stated position.	N/A	ATAF Model Art. 3(1)(c) includes a definition for Contracting States.	SADC Model Art. 3(1)(c) includes a definition for Contracting States.	EAC Model excludes a definition for Contracting States, no article for Territorial Extension.
3(1)(a)	Definition - Person	Additional phrase "any other body of persons that is treated as an entity for tax purposes".	17	94%	South Africa reserves the right to include in the definition of "person" only those entities which are treated as taxable unit under the taxation laws in force in the respective Contracting States.	This phrase is because to cover "Partnerships" which are not legal entities in South Africa.	ATAF Model Art. 3(1)(d) includes "any other body of persons that is treated as an entity for tax purposes".	SADC Model Art. 3(1)(k) includes "any other body of persons that is treated as an entity for tax purposes".	EAC Model Art. 3(1)(e) includes "any other body of persons that is treated as an entity for tax purposes".
3(1)(e)	Definition - International Traffic	Includes "rail or road transport".	8	44%	No stated position to "Definitions" but refer Treaty Article 8 "Shipping etc".	N/A	ATAF Model Art. 3(1)(h) excludes "rail or road transport".	SADC Model Art. 3(1)(i) includes "rail or road transport".	EAC Model Art. 3(1)(c) includes "railway".
3(1)(e)	Definition - International Traffic	Does not consider place of effective management of the enterprise as residence.	16	89%	No stated position to "Definitions" but refer Treaty Article 8 "Shipping etc".	N/A	ATAF Model Art. 3(1)(h) does not consider POEM of an enterprise.	SADC Model Art. 3(1)(i) does not include POEM of an enterprise.	EAC Model Art. 3(1)(c) includes POEM of an enterprise.
3(1)(g)	Definition - National	"Partnerships" omitted from legal persons.	15	83%	No stated position.	"Partnerships" are not legal entities in South Africa.	ATAF Model Art. 3(1)(j)(ii) "Partnerships" omitted from legal persons .	SADC Model Art. 3(1)(j)(ii) "Partnerships" omitted from legal persons.	EAC Model Art. 3(1)(d) "Partnerships" included as legal persons .
4(3)	Resident	Some treaties state: For persons other than individual, treaties do not use POEM to determine residence, but "mutual agreement by competent authorities".	7	39%	No stated position.	South Africa's domestic law interpretation of is consistent with the OECD (up to 2014) as per SARS Interpretation Note 6	ATAF Model Art. 4(3) "Contracting States shall endeavour to determine by mutual agreement the Contracting State of which such person shall be deemed to be a resident".	SADC Model Art. 4(3) for persons other than individual, SADC Model applies POEM.	EAC Model Art. 4(3) for persons other than individual, EAC Model applies POEM.
5(2)	Permanent Establishment Article 5(2)	Treaties expand the scope of PE significant example is "installation or structure used for extraction", and "extraction or exploitation in natural resources.	13	72%	Reserves the right to insert a provision that deems permanent establishment to exist if, for more than six months, an enterprise conducts activities relating to the exploration or exploitation of natural resources.	"Permanent establishment" is defined in the Income Tax Act " to mean a PE as defined from time to time in Article 5 of the Model Tax Convention".	ATAF Model Art. 5(2)(f) includes "extraction or exploitation of natural resources".	SADC Model Art. 5(2)(f) includes "extraction or exploitation of natural resources".	EAC Model Art. 5(2)(g) and 5(2)(h) include other examples of PE's.
5(3)	Permanent Establishment	Treaties include UN Article 5(3)(a) duration - six months, and broaden scope to "assembly" and "supervisory activities".	16	89%	Reserves the right to negotiate the period of time after which a building site or construction, assembly, or installation project should be regarded as a PE; and: Right to treat an enterprise as having a PE if the enterprise carries on supervisory activities in connection with a building site or a construction, assembly, or installation project that constitute a PE.	N/A	ATAF Model Art. 5(3)(a) includes UN Model wider scope - "assembly" and "supervisory activities"; but the number of months is not specified in ATAF Model.	SADC Model Art. 5(3)(a) includes UN Model wider scope - "assembly" and "supervisory activities"; but the number of months is not specified in SADC Model.	EAC Model Art. 5(3)(a) includes UN Model wider scope - "assembly" and "supervisory activities"; and duration is six months.

Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC

Annexure G

OECD Article/ Para.	Article Description	Deviations or observation of comparative treaty analysis (general trend)	No. of treaties with deviation	% of Deviation	South Africa Position to OECD Model ¹	Domestic Law ²	ATAF ³	SADC ⁴	EAC ⁵
5(3)	Permanent Establishment	Treaties include UN Article 5(3)(b) includes "furnishing of services" of duration - 183 days within any 12-month period.	15	83%	Reserves the right to treat an enterprise as having a PE if the enterprise furnishes services, including consultancy services, through employees or other personnel engaged by the enterprise for such purpose, but only where activities of that nature continue (for the same or a connected project within the country for a period or periods aggregating more than six months within any 12-month period.	N/A	ATAF Model Art. 5(3)(b) includes UN Model Article for "furnishing of services", but in ATAF Model, the number of days in 12 months is not specified.	SADC Model Art. 5(3)(b) includes UN Model Article for "furnishing of services", but in SADC Model, the number of days in a 12 month period is not specified.	EAC Model Art. 5(3)(b) includes UN Model Article for "furnishing of services", but in EAC Model, with duration - 6 months within any 12-month period.
5(3)	Permanent Establishment	Treaties include additional article 5(3)(c) for "Professional Services" of duration - 183 days within any 12-month period.	12	67%	Reserve the right to deem any person performing professional services or other activities of an independent character to have a permanent establishment if that person is present in the State for a period or periods exceeding in the aggregate 183 day any twelve month period.	N/A	ATAF Model Art. 5(3)(c) includes the additional article for "an individual performing services; the number of days in 12 months is not specified.	SADC Model Art. 5(3)(c) includes the additional article for "an individual performing services; the number of days in a 12 month period is not specified.	This is not in EAC Model Article 5(3).
5(4)	Permanent Establishment UN Article 5(4)(a) and (b)	Treaties exclude phrase "delivery", which is in OECD Model, but omitted in UN Model.	6	33%	No stated position.	N/A	ATAF Model Art. 5(4)(a) and (b) include "delivery" per OECD Model.	SADC Model Art. 5(4)(a) and (b) include "delivery" per OECD Model.	EAC Model Art. 5(4)(a) and (b) excludes "delivery" per UN Model.
5(5) and 5(6)	Permanent Establishment UN Article 5(5)(b) and 5(6)	Align to UN Model Art. 5(5)(b) "Stock Agent PE, and Art.5(6) Insurance Agent PE	6	33%	No stated position.	N/A	ATAF Model Art. 5(7) includes UN version of Insurance PE.	SADC Model Art. 5(7) includes UN version of Insurance PE.	EAC Model Aligns to UN Model - Art. 5(5)(b) "maintains a stock of goods" and Art. 5(6) includes UN version of Insurance PE.
6	Income from immovable property	Treaties include "rail and road transport".	i) 3 ii) 4	i) 16.7% ii) 22.2%	No stated position.	N/A	No significant deviations to OECD Model.	SADC Model Art. 6 includes "rail and road transport".	No significant deviations to OECD Model.
7(1)	Business profits	Force of attraction rule - treaties include UN Model additional paragraphs in Article 7(1).	5	28%	No stated position.	N/A	No "force of attraction" paragraphs in ATAF Model Art. 7(1).	No "force of attraction" paragraphs in SADC Model Art. 7(1).	No "force of attraction" paragraphs in EAC Model Art. 7(1).
7	Business profits	Treaties concluded on/after 2010 retain pre-2010 OECD Model Art. 7 wording.	5 of 5	100%	The right to use the previous version of Article 7, i.e. the version that was included in the Model Tax Convention immediately before the 2010 Update, subject to their positions on that previous version SA; and SA will interpret Article 7 as it read before the 2010 Update in line with the relevant Commentary as it stood prior to that update.	N/A	ATAF Model Art. 7 uses wording and provisions of pre-2010 OECD Model.	SADC Model Art. 7 uses wording and provisions of pre-2010 OECD Model.	EAC Model Art. 7 uses wording and provisions of pre-2010 OECD Model.
7(3)	Business profits	Art.7(3) Allowable deductions - contain UN additional sentence - restrictions for payments to head office of a PE.	13	72%	No specific stated position, other than above for whole article 7 to retain old wording.	Notional expenses are not permitted as deductions.	ATAF Model Art.7(3) allowable deductions - contains UN additional sentence - restrictions for payments to head office of a PE.	SADC Model Art.7(3) allowable deductions - contains UN additional sentence - restrictions for payments to head office of a PE.	EAC Model Art.7(3) aligns to OECD in first paragraph, with additional provisions similar to UN Model Art. 7(3).
8(1)	Shipping, inland waterways and air transport	Treaties do not refer to POEM but residence of an enterprise.	17	94%	No stated position.	N/A	ATAF Model Art. 8(1) does not reference to "POEM" but residence of an enterprise.	SADC Model Art. 8(1) e does not reference to "POEM" but residence of an enterprise.	EAC Model Art. 8(1) refers to POEM of an enterprise.
8(1)	Shipping, inland waterways and air transport	Treaties include "rail or road transport".	8	44%	Reserve the right to extend the scope of the Article to cover international road and railway transportation in bilateral conventions.	N/A	ATAF Model Art. 8(1) does not mention "rail or road transport".	SADC Model Art. 8(1) includes "rail or road transport".	EAC Model Art. 8(1) includes "trains" and various forms of transport, incl. rental of containers.
8(2)	Shipping, inland waterways and air transport	Treaties omit "inland waterways transport".	18	100%	South Africa reserves the right not to extend the scope of the Article to cover inland waterways transportation.	N/A	ATAF Model Art. 8(2) includes "inland waterways transport".	SADC Model Art. 8(2) omits "inland waterways transport".	EAC Model Art. 8(2) includes "inland waterways transport".

Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC

Annexure G

OECD Article/ Para.	Article Description	Deviations or observation of comparative treaty analysis (general trend)	No. of treaties with deviation	% of Deviation	South Africa Position to OECD Model ¹	Domestic Law ²	ATAF ³	SADC ⁴	EAC ⁵
8	Shipping, inland waterways and air transport	Includes income on "bare boat basis" and from the "leasing of containers".	15	83%	Reserves the right to include in paragraph 1 profits from the leasing of containers; and the right to include a provision that will ensure that profits from the leasing of ships or aircraft on a bare boat basis, are treated in the same way as income covered by paragraph 1.	Legislation was introduced to combat anti-avoidance with regards to "Containers".	ATAF Model Art. 8(3) includes income on "bare boat basis" and from the "leasing of containers".	SADC Model Art. 8(3) includes income on "bare boat basis" and from the "leasing of containers".	EAC Model Art. 8(3) does not mention income on "bare boat basis" and from the "leasing of containers". But refer Art. 8(1) for "rental of containers".
9(2)	Associated enterprises	Treaties replace "shall" with "may" for states to make an adjustment to profits.	11	61%	Reserves the right to replace "shall" by "may" in the first sentence of paragraph 2.	Transfer pricing legislation-transactions between connected parties must be on arm's length basis. Authorities have the right to make adjustments.	ATAF Model Art. 9(2) aligns with OECD: "other state shall make an appropriate adjustment".	SADC Model Art. 9(2) aligns with OECD: "other state shall make an appropriate adjustment".	EAC Model Art. 9(2) aligns with OECD: "other state shall make an appropriate adjustment".
10(2)	Dividends	Treaties have varied limits on WHT rates and ownership limits.	16	89%	Reserves its position on the rates of tax in paragraph 2 and the minimum percentage for the holding in subparagraph a).	Section 64E of the Act levies a dividends tax at the rate of 15% (now 20%) of the amount of any dividend paid by any company other than a headquarter company. (This was introduced in 2012, after STC abolished).	ATAF Model Art.10(2) does not prescribe WHT limits for beneficial ownership, and "all other cases", but aligns to OECD on 25% ownership by beneficial owner.	SADC Model Art.10(2) does not prescribe WHT limits for beneficial ownership, and "all other cases", and does not prescribe % ownership by beneficial owner.	EAC Model Art.10(2) prescribes WHT limit of 5% for beneficial ownership, and does not specify limit in "all other cases", and does not prescribe % ownership by beneficial owner.
11(2)	Interest	Withholding tax rates on interest vary, majority align to OECD.	6	33%	No stated position.	The withholding tax on interest is levied at the rate of 15% in terms of section 50B of the Act on any interest that is paid by any person to or for the benefit of any foreign person to the extent that the amount is sourced in South Africa.	ATAF Model Art.11(2), as the UN Model, does not prescribe WHT limits.	SADC Model Art.11(2), as the UN Model, does not prescribe WHT limits.	EAC Model Art.11(2), sets WHT at 10%.
11	Interest	Additional paragraph for exemption for interest arising from or paid to the Government of the State, a political subdivision or a local authority.	13	72%	No stated position.	Exclusions, per SARS, are Government of South Africa; any bank, including the South African Reserve Bank (SARB), Development Bank of South Africa or Industrial Development Corporation or headquarter company relating to financial assistance (voting rights more than 10%)	This is not in ATAF Model Article 11.	This is not in SADC Model Article 11.	EAC Model Article 11(3) exempts interest derived by government, political subdivision, etc.
12(1)	Royalties	Source state granted the right to tax royalties, as per UN Model, with limitations placed on source state's withholding taxes.	16	89%	South Africa reserves the right to tax royalties at source.	A final withholding tax on royalties is levied in terms of section 49B of the Act. It is levied at the rate of 12% of the amount of any royalty (as defined) paid by any person to a non-resident to the extent that it is sourced in South Africa.	ATAF Model Art. 12(1) and 12(2) aligns to UN Model, grants source state taxing rights and no prescribed WHT rate.	SADC Model Art. 12(1) and 12(2) aligns to UN Model, grants source state taxing rights and no prescribed WHT rate.	EAC Model Art. 12(1) grants source state taxing rights and 12(2) sets WHT at 10%.
12	Royalties	Royalties definition follows UN Model, broader than OECD definition.	17	94%	No stated position.	Imparting or undertaking to impart any scientific, technical, industrial or commercial knowledge or information, rendering of or the undertaking to render any assistance or service in connection with the application or utilisation of that knowledge or information	ATAF Model Art. 12(3) aligns to UN Model Art. 12 definitions.	SADC Model Art. 12(3) definitions include "cinematograph films or films, tapes or discs for radio or television broadcasting", but does not include use of scientific equipment.	EAC Model Art. 12(3) aligns to UN Model Art. 12 definitions.
12	Royalties	Royalties deeming provision - per UN Art. 12(5) is in several treaties.	16	89%	No stated position.	Section 9(1)(b) of the Income Tax Act No. 58 of 1962 (the Act) deems any amount to be from a South African source if it is received by or accrues to any person by virtue of the use or right of use in South Africa, of any patent, design, trademark, copyright, model, pattern, plan, formula or process.	ATAF Model Art. 12(5) aligns to UN Model Art. 12(5) deeming provision.	SADC Model Art. 12(5) aligns to UN Model Art. 12(5) deeming provision.	EAC Model Art. 12(5) aligns to UN Model Art. 12(5) deeming provision.

Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC

Annexure G

OECD Article/ Para.	Article Description	Deviations or observation of comparative treaty analysis (general trend)	No. of treaties with deviation	% of Deviation	South Africa Position to OECD Model ¹	Domestic Law ²	ATAF ³	SADC ⁴	EAC ⁵
N/A	Technical Services / Fees	Additional Article for Technical Services / Fees or Management Services.	8	44%	No stated position.	N/A	ATAF Model includes Art.13 Technical Fees.	SADC Model includes Art.13 Technical Fees.	EAC Model includes Art.13 Management or Professional Fees.
13(3)	Capital Gains	Treaties do not allocate taxing rights to POEM state but enterprise resident state for gains from the alienation of ships and aircraft.	16	89%	No stated position.	N/A	ATAF Model Art. 14(3) does not allocate taxing rights to POEM state but enterprise resident state for gains from the alienation of ships and aircraft.	SADC Model Art. 14(3) does not allocate taxing rights to POEM state but enterprise resident state for gains from the alienation of ships and aircraft.	EAC Model Art. 14(3) allocates taxing rights to POEM state for gains from the alienation of ships and aircraft.
13(4)	Capital Gains	Treaties do not define "principally" or contain 50% requirement.	8	44%	No stated position.	2(2) of the Eighth Schedule defines 'interest in immovable property situated in the Republic' to include ownership of shares in a company or an interest in a partnership or other entity or a vested interest in a trust of at least 20%, where 80% or more of the value of the company, entity or trust is attributable to immovable property situated in the Republic".	ATAF Model Art. 12(4) does contain 50% requirement.	SADC Model Art. 12(4) does contain 50% requirement.	EAC excludes paragraph for gains from alienation of shares deriving more than 50 per cent of their value directly or indirectly from immovable property.
14	Independent Personal Services	Treaties concluded on/after 2000 retain this Article (align to UN Model.)	3	17%	SA Position to earlier model (pre 2000) reserve the right to tax individuals performing professional services or other activities of an independent character if they are present on their territory for a period or periods exceeding in the aggregate 183 days in any twelve month period and deem such an individual to have a fixed base therein for the purposes of the Convention."	N/A	ATAF Model does not have this Article.	SADC Model does not have this Article.	EAC Model include this Article. (Article 15 similar to UN Model Article 14).
15(3)	Dependent personal services / income from employment	For employment on ship or aircraft, treaty Article has same provisions as Art. 8. (No mention of POEM).	8	44%	No stated position.	N/A	For employment on ship or aircraft, ATAF Model Art.15 has same provisions as Art. 8. (No mention of POEM).	For employment on ship or aircraft, SADC Model Art.15 has same provisions as Art. 8. (No mention of POEM).	For employment on ship or aircraft, EAC Model Art. 16 does refer to POEM.
16	Directors fees	No significant deviations observed, only 1 treaty has the UN Model Art. 16(2) for top level management.	1	6%	No stated position.	N/A	ATAF Model Art.16(2) contains UN Model Art. 16(2) for Top level management.	SADC Model Art.16 aligns with OECD Model.	EAC Model Art.17 aligns with OECD Model.
17	Entertainers and sportsmen	Grants exclusive taxing rights to the resident state of the entertainer or sportsperson if the visit is wholly or mainly funded by public funds of the resident state.	9	50%	No stated position.	Section 47B: WHT on non-residents sportspersons and entertainers 15%.	ATAF Model Art. 17(3) has the same provision for public funded visits.	SADC Model Art. 17(3) has the same provision for public funded visits.	EAC Model Art. 18(4) has the same provision for public funded visits.
18(1)	Pension	Treaties grant taxing rights to source state.	17	94%	No stated position in 2014 Model, earlier models (1997-2003): reserve the right to provide that the Contracting State in which pensions and other similar remuneration and annuities arise has a right to tax, albeit not the exclusive right.	Pensions are included in Gross Income for tax.	ATAF Model Art. 18 grants taxing rights to source state.	SADC Model Art. 18 grants taxing rights to source state.	EAC Model Art. 19 grants taxing rights to source state.
18	Pension	Treaties include additional paragraph, not in OECD Model, which allocates exclusive taxing rights to the source state for pensions paid under public schemes or under a social security system.	11	61%	No stated position.	N/A	ATAF Model contains this paragraph for pensions from public schemes - taxed in source state.	SADC Model contains this paragraph for pensions from public schemes - taxed in source state.	EAC Model contains this paragraph for pensions from public schemes - taxed in source state.
18	Pension	Annuities included as pensions.	17	94%	Reserves the right to include in paragraph 1 an explicit reference to annuities.	Annuities are included in Gross Income for Tax	ATAF Model Art.18(1) includes annuities as pensions, and excludes phrase "arising from past employment".	SADC Model Art.18(1) includes annuities as pensions, and excludes phrase "arising from past employment".	EAC Model Art.18(1) includes annuities as pensions, but includes phrase "arising from past employment".
19	Government services	No significant deviations observed.	0	0%	No stated position.	N/A	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model.

Table of deviations observed compared to South Africa's OECD positions or domestic law, and to the regional models: ATAF SADC and EAC

Annexure G

OECD Article/ Para.	Article Description	Deviations or observation of comparative treaty analysis (general trend)	No. of treaties with deviation	% of Deviation	South Africa Position to OECD Model ¹	Domestic Law ²	ATAF ³	SADC ⁴	EAC ⁵
20	Students	No significant deviations observed.	0	0%	No stated position.	N/A	No significant deviations to OECD Model.	No significant deviations to OECD Model.	EAC Art.22 no significant deviations to OECD Model
N/A	Professors and Teachers	Additional Article for Professors and Teachers.	10	56%	No stated position.	N/A	ATAF does not have this Article.	SADC includes Article 21 - Professors and Teachers.	EAC includes Article 21 - Professors and Teachers.
21	Other Income	Treaties also grant taxing rights to source state.	14	78%	South Africa reserves their position on this Article "as they wish to maintain the right to tax income arising from sources in their own country".	N/A	ATAF aligns with UN Model, also grants taxing rights to source state per Art. 21(3).	SADC aligns with UN Model, also grants taxing rights to source state per Art. 22(3).	EAC aligns with UN Model, also grants taxing rights to source state per Art. 23(3).
22	Taxation of Capital	This Article is not in any treaty reviewed.	18	100%	No stated position.	There is no tax on Capital or "Wealth Tax" in South Africa	ATAF Model does not have a Capital Article.	SADC Model does not have a Capital Article.	EAC Model does not have a Capital Article.
23	Elimination of Double Taxation	No deviations, treaties provide for Credit Method for elimination in the majority.	0	0%	N/A	N/A	ATAF Model aligns to Credit Method of OECD.	SADC does not prescribe a method for elimination.	EAC prescribes the credit method for elimination.
23	Elimination of Double Taxation	"Subject to the provisions of the laws of South Africa" phrase is included.	14	78%	No stated position.	Section 6quat has provisions for foreign tax credits.	N/A	N/A	N/A
23	Elimination of Double Taxation	Tax sparing provisions to promotes economic developments.	6	33%	No stated position in 2014 Model, earlier models 1997-2005:reserves the right to add tax sparing provisions in relation to the tax incentives that are provided for under their respective national laws.	N/A	ATAF Model does not include tax sparing provisions.	SADC Model Art. 23(3) includes tax sparing provisions to establish schemes for the promotion of economic development.	EAC Model does not include tax sparing provisions.
24	Non-discrimination	Omission of "Stateless persons" paragraph.	18	100%	No stated position.	N/A	ATAF omits "Stateless persons" paragraph.	SADC omits "Stateless persons" paragraph.	EAC omits "Stateless persons" paragraph.
24	Non-discrimination	Inclusion of a paragraph to a tax on permanent establishments in SA at a rate higher than resident companies, not exceeding 5%, (to cater for STC).	11	61%	Reserves the right to add a paragraph stating that nothing in the Article will prevent South Africa from imposing on the profits attributable to a permanent establishment in South Africa of a company that is not a resident, a tax at a rate that does not exceed the rate of normal tax on companies by more than five percentage points. (Earlier OECD Models).	Relates to STC	N/A	N/A	N/A
25 / 26	Mutual agreement procedure and exchange of information.	No significant deviations observed.	0	0%	No stated position.	N/A	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model, except for time in MAP - 2 years per EAC, OECD Model is 3 years
27	Assistance in the collection of taxes / recovery	No significant deviations observed.	0	0%	No stated position.	N/A	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model.
28	Members of diplomatic missions and consular posts	No significant deviations observed.	0	0%	No stated position.	Locally recruited personnel, being South African citizens or residents, employed by Embassies are subject to normal South African taxation laws. Such persons must comply with their South African tax obligations.	No significant deviations to OECD Model.	No significant deviations to OECD Model.	No significant deviations to OECD Model.
N/A	Entitlement to Benefits	Benefits article included in treaty.	1	0%	No stated position.	N/A	ATAF Article 22 - Entitlement to Benefits.	Not in SADC Model.	Not in EAC Model.
N/A	Amendments	Treaty may be amended at any time, by mutual consent	1	0%	No stated position.	N/A	Not in ATAF Model.	Not in SADC Model.	Not in EAC Model.

1. OECD: *Non-OECD Economies' Positions on the OECD Model Tax Convention*, included in OECD: *Model Tax Convention on Income and Capital*, 15 July 2014, Models, IBFD2. SA Domestic Law - *South African Income Tax Act No. 58 of 1962* (the Act)3. ATAF: *Africa Tax Administration Forum - Model Agreement for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income*, Models IBFD.4. SADC: *Southern African Development Community Model Tax Agreement on Income (2011)*, Models IBFD.5. EAC : *East African Community Income Tax Treaty*, Treaties IBFD.

Table depicts the significant deviations observed in the Sub-Saharan African treaties and if they occur in the regional models (ATAF, SADC, EAC), and also depicts the number of treaties that contain the deviations for each regional body.

	Article para.	Deviation observed in the South Africa Sub-Saharan African treaties	UN Model or Comm.	SA Pos. etc. (A)	ATAF Model (B)	ATAF Countries Total Dev (C)	% of ATAF (D)	SADC Model (E)	SADC Countries Total Dev (F)	% of SADC (G)	EAC Model (H)	EAC Countries Total Dev (I)	% of EAC (J)
1	Art 2(1)	Treaties omit "capital".	N	Y	Y	13	81%	Y	8	73%	Y	4	100%
2	Art 2(2)	Treaties omit "wages and salaries".	N	N	N	9	56%	Y	8	73%	N	2	50%
3	Art 2(3)	Treaties include STC, also in Article 24.	N	Y	N	13	81%	N	8	73%	N	4	100%
4	Art 3(1)(a)	Include " treated as an entity for tax purposes".	N	Y	Y	15	94%	Y	10	91%	Y	4	100%
5	Art 3(1)(g)	Omit "Partnerships" from "National - legal persons".	N	Y	Y	13	81%	Y	9	82%	Y	4	100%
6	Art 5(2)	PE's: treaties include "extraction and exploitation".	Y	Y	Y	11	69%	Y	6	55%	Y	4	100%
7	Art 5(3)(a)	PE's: "more than six months" and additional activities.	Y	Y	Y	14	88%	Y	9	82%	Y	4	100%
8	Art 5(3)(b)	Service PE's: treaties include "furnishing of services".	Y	Y	Y	13	81%	Y	10	91%	Y	3	75%
9	Art 5(3)(c)	Service PE's: include "professional services".	Y	Y	Y	10	63%	Y	9	82%	N	2	50%
10	Art 7(3)	Business Profits: limitation of deductions.	Y	Y	Y	12	75%	Y	8	73%	Y	4	100%
11	Art 8(1)	No POEM, but residence of enterprise.	Y	Y	Y	15	94%	Y	10	91%	N	4	100%
12	Art 8(1)	Treaties include road and rail transport.	Y	Y	Y	7	44%	Y	8	73%	Y	1	25%
13	Art 8(2)	Treaties omit "inland waterways transport".	N	Y	N	16	100%	Y	11	100%	N	4	100%
14	Art 8	Income on "bare boat basis" and "leasing of containers".	Y	Y	Y	13	81%	Y	9	82%	Y	4	100%
15	Art 9(2)	Treaties replace "shall" with "may", i.e. no automatic adjus	Y	Y	N	9	56%	N	7	64%	N	2	50%
16	Art 10(2)	Treaties have varied WHT limits and B.O. requirem.	Y	Y	Y	15	94%	Y	9	82%	Y	4	100%
17	Art 11	Exemption of interest (government).	Y	Y	N	11	69%	N	7	64%	Y	3	75%
18	Art 12	Grant source state to tax royalties.	Y	Y	Y	14	88%	Y	9	82%	Y	4	100%
19	Art 12(3)	Royalty definition broadened.	Y	Y	Y	15	94%	Y	10	91%	Y	4	100%
20	Art 12	Deemed royalty provision.	Y	Y	Y	14	88%	Y	9	82%	Y	4	100%

	Article para.	Deviation observed in the South Africa Sub-Saharan African treaties	UN Model or Comm.	SA Pos. etc. (A)	ATAF Model (B)	ATAF Countries Total Dev (C)	% of ATAF (D)	SADC Model (E)	SADC Countries Total Dev (F)	% of SADC (G)	EAC Model (H)	EAC Countries Total Dev (I)	% of EAC (J)
21	Additional	Technical Services (additional article).	Y	N	Y	8	50%	Y	4	36%	Y	2	50%
22	Art 13(3)	Allocation of taxing rights to residence, not POEM	Y	Y	Y	14	88%	Y	9	82%	N	4	100%
23	Art 13(4)	"Principally" not defined; no 50% requirement.	N	N	Y	6	38%	Y	5	45%	N	1	25%
24	Art 17(3)	Exclusive source - visit funded by public funds.	Y	N	Y	8	50%	Y	5	45%	Y	1	25%
25	Art 18(1)	Source state taxing rights for pensions	Y	Y	Y	15	94%	Y	10	91%	Y	4	100%
26	Art 18	Source state rights - pensions from public schemes.	Y	N	Y	10	63%	Y	8	73%	Y	2	50%
27	Art 18	Annuities included as pensions.	Y	Y	Y	15	94%	Y	10	91%	Y	4	100%
28	add	Professors and Teachers - additional article.	Y	N	N	9	56%	Y	6	55%	Y	1	25%
29	Art 21	Other income - taxation rights allocated to source.	Y	Y	Y	13	81%	Y	9	82%	Y	3	75%
30	Art 22	Treaties omit article "Taxation on Capital".	N	Y	Y	16	100%	Y	11	100%	Y	4	100%
31	Art 23(1)	"Subject to the provisions of the laws of SA".	N	Y	N	12	75%	N	9	82%	N	3	75%
Total significant deviations				25	24			27			22		

ATAF Countries: 16, SADC Countries: 11, EAC Countries: 4

81% 77%

87%

71%

Explanation of columns

- A The deviation observed in the South African treaties with Sub-Saharan African countries arise out of South Africa Positions or legislation etc.
- B The deviation observed in the South African treaties with Sub-Saharan African countries are also present in the ATAF Model.
- C The deviation observed in the South African treaties with ATAF member countries.
- D % of ATAF countries treaties which contain the deviation.
- E The deviation observed in the South African treaties with Sub-Saharan African countries are also present in the SADC Model.
- F The deviation observed in the South African treaties with SADC member countries.
- G % of SADC countries treaties which contain the deviation.
- H The deviation observed in the South African treaties with Sub-Saharan African countries are also present in the EAC Agreement.
- I The deviation observed in the South African treaties with EAC member countries.
- J % of EAC countries treaties which contain the deviation.

Y: means that the deviation is present, N: means there is no deviation observed.

No. of SA related deviations also in regional models

SA Dev	ATAF	SADC	EAC
25	20	21	18
% of SA dev.	80%	84%	72%

Average by Reg. Org.	ATAF	SADC	EAC
	82%	81%	89%

					Malawi	Uganda	Namibia	Seychelles	Nigeria	Rwanda	Botswana	Ethiopia	Ghana	Swaziland	DRC	Tanzania	Mozambique	Kenya	Mauritius	Lesotho	Cameroon	Zimbabwe	
Treaty Conclusion year (and protocol)					1971	1997	1998	1998 (P2011)	2000	2002	2003 (P2013)	2004	2004	2004	2005	2005	2007	2010	2013	2014	2015	2015	
Prevailing OECD Model year						1996	1996	1998	2000	2000	2003	2003	2003	2003	2003	2005	2005	2010	2010	2014	2014	2014	
EAC member					N	Y	N	N	N	Y	N	N	N	N	N	Y	N	Y	N	N	N	N	
SADC member					Y	N	Y	Y	N	N	Y	N	N	Y	Y	Y	Y	N	Y	Y	N	Y	
ATAF member					Y	Y	Y	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y	Y	Y	Y	Y	
Article para.	Deviation	UN Model or Comm.	SA Pos etc	Note: "1" indicates that the treaty article contains the significant deviation																		Total Deviation	
1	Art 2(1)	Treaties omit "capital".		1		1	1	1	1	1		1	1	1	1	1		1	1	1	1	1	15
2	Art 2(2)	Treaties omit "wages and salaries".				1	1	1	1		1		1	1	1			1	1		1		11
3	Art 2(3)	Treaties include STC, also in Article 24.		1		1	1	1	1	1	1	1	1	1	1	1	1	1	1		1		15
4	Art 3(1)(a)	Include " treated as an entity for tax purposes".		1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17
5	Art 3(1)(g)	Omit "Partnerships" from "National - legal persons".		1		1		1	1	1	1	1	1	1	1	1	1	1	1	1		1	15
6	Art 5(2)	PE's: treaties include "extraction and exploitation".	1	1		1		1	1	1	1	1	1		1	1	1	1		1	1		13
7	Art 5(3)(a)	PE's: "more than six months" and additional activities.	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1		1	1	1	16
8	Art 5(3)(b)	Service PE's: treaties include "furnishing of services".	1	1			1	1	1	1	1	1		1	1	1	1	1	1	1	1	1	15
9	Art 5(3)(c)	Service PE's: include "professional services".	1	1				1		1	1	1		1	1	1	1		1	1	1	1	12
10	Art 7(3)	Business Profits: limitation of deductions.	1	1		1	1	1	1	1	1				1	1		1	1	1	1	1	13
11	Art 8(1)	No POEM, but residence of enterprise.	1	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17
12	Art 8(1)	Treaties include road and rail transport.	1	1			1				1			1	1	1	1			1		1	8
13	Art 8(2)	Treaties omit "inland waterways transport".		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	18
14	Art 8	Income on "bare boat basis" and "leasing of containers"	1	1		1		1	1	1	1	1	1	1	1	1	1	1	1	1		1	15
15	Art 9(2)	Treaties replace "shall" with "may".	1	1			1	1	1	1	1	1	1	1	1	1	1						11
16	Art 10(2)	Treaties have varied WHT limits and B.O. requirem.	1	1	1	1		1	1	1	1	1	1	1		1	1	1	1	1	1	1	16
17	Art 11	Exemption of interest (government).	1	1		1			1	1	1	1	1	1	1	1	1		1		1	1	13
18	Art 12	Grant source state to tax royalties.	1	1		1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	16
19	Art 12(3)	Royalty definition broadened.	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1		17
20	Art 12	Deemed royalty provision.	1	1		1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	16
21	Additional	Technical Services (additional article).	1			1				1	1		1	1						1	1	1	8
22	Art 13(3)	Allocation of taxing rights to residence, not POEM	1	1		1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	16
23	Art 13(4)	"Principally" not defined; no 50% requirement.								1	1	1	1	1	1		1					1	8
24	Art 17(3)	Exclusive source - visit funded by public funds.	1					1	1		1	1	1			1	1		1		1		9
25	Art 18(1)	Source state taxing rights for pensions	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17
26	Art 18	Source state rights - pensions from public schemes.	1					1			1		1		1	1	1	1	1	1	1	1	11
27	Art 18	Annuities included as pensions.	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	17
28	add	Professors and Teachers - additional article.	1		1		1	1				1	1				1	1	1	1	1		10
29	Art 21	Other income - taxation rights allocated to source.	1	1				1	1	1	1		1	1	1	1	1	1	1	1	1	1	14
30	Art 22	Treaties omit article "Taxation on Capital".		1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	18

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Total significant deviations To OECD Model	22	25	6	20	17	25	24	27	28	26	26	26	27	28	27	23	25	26	25	25
Percentage of deviations	71%	81%	19%	65%	55%	81%	77%	87%	90%	84%	84%	84%	87%	90%	87%	74%	81%	84%	81%	81%

Total significant deviations correlating to South Africa positions, domestic laws etc.	18	25	5	19	15	21	22	24	24	22	21	23	24	25	23	21	21	22	21	21
Percentage of deviations			20%	76%	60%	84%	88%	96%	96%	88%	84%	92%	96%	100%	92%	84%	84%	88%	84%	84%

Total significant deviations correlating to UN related Model or commentary	22	18	4	14	11	17	17	18	21	17	18	17	18	20	20	16	17	19	19	17
Percentage of deviations			18%	64%	50%	77%	77%	82%	95%	77%	82%	77%	82%	91%	91%	73%	77%	86%	86%	77%

South Africa Exports with Africa and Rest of World

Year: 2017

	USD Billion	%
Rest of world	68.77	73.7%
Total Africa	24.60	26.3%
Total	93.37	100.0%

Imports with Africa and Rest of World

Year: 2017

	USD Billion	%
Rest of world	73.41	89.7%
Total Africa	8.40	10.3%
Total	81.82	100.0%

South Africa trade with Sub-Sahara African countries	South Africa Exports		
	USD Billion	%	
Botswana	3.84	21.14%	SADC
Namibia	3.57	19.65%	SADC
Mozambique	2.89	15.91%	SADC
Zimbabwe	2.09	11.51%	SADC
Lesotho	1.35	7.43%	SADC
Swaziland	1.28	7.05%	SADC
Kenya	0.71	3.92%	
Tanzania	0.45	2.49%	SADC
Nigeria	0.43	2.36%	
Malawi	0.41	2.25%	SADC
Mauritius	0.40	2.23%	SADC
Ghana	0.35	1.94%	
Uganda	0.14	0.78%	
Ethiopia	0.06	0.35%	
Seychelles	0.06	0.34%	SADC
Democratic Republic of Congo	0.05	0.27%	SADC
Cameroon	0.04	0.21%	
Rwanda	0.03	0.15%	
Total Saharan Countries	18.16	100.0%	

South Africa Imports	
USD Billion	%
0.42	7.03%
0.84	14.01%
0.90	14.95%
0.17	2.84%
0.31	5.19%
1.22	20.37%
0.02	0.29%
0.03	0.57%
1.71	28.55%
0.06	0.96%
0.17	2.89%
0.06	1.05%
0.01	0.13%
0.01	0.14%
0.00	0.03%
0.00	0.02%
0.06	0.97%
0.00	0.02%
5.99	33.0%

South Africa-Sub Sahara Exports %

Total of all exports	19%
Total of Africa exports	74%
SADC as % of SSA	90%

South Africa-Sub Sahara Imports %

Total of all imports	7%
Total of Africa imports	71%
SADC as % of SSA	69%

Sources:
<https://tradingeconomics.com/south-africa/exports-by-country>
<https://tradingeconomics.com/south-africa/imports-by-country>

Last accessed: 26 January 2019

Table of withholding taxes in South Africa - Sub Saharan African treaties
Annexure K

Dividends, Interest and Royalties

Treaty country with South Africa	Article 10 - Dividends			Article 11 - Interest	Article 12 - Royalties
	WHT Tax% for B.O	% Sh'hold required for B.O	WHT Tax% for Other (Non B.O.)	Treaty WHT %	Treaty WHT %
Botswana	10	25	15	10	10
Cameroon	10	25	15	10	10
DRC	5	25	15	10	10
Ethiopia	10	no limit	no limit	8	20
Ghana	5	10	15	5 (bank) / 10 rest	10
Kenya	10	no limit	no limit	10	10
Lesotho	10	10	15	10	10
Malawi	No Treaty Article			10	0
Mozambique	8	25	15	8	5
Mauritius	5	10	10	10	5
Namibia	5	25	15	10	10
Nigeria	7.5	10	10	7.5	7.5
Rwanda	10	25	20	10	10
Seychelles	5	10	10	No % amt	No % amt
Swaziland	10	25	15	10	10
Tanzania	10	15	20	10	10
Uganda	10	25	15	10	10
Zimbabwe	5	25	10	5	10
Summary - by number of treaties with deviations in WHT rates and B.O. %	11	8	4	6	12
	Where Dividend WHT rate is > 5%	Where B.O. is less than 25%, incl. No Limit	Where dividend WHT rate is > 15%, incl. No Limit	Where Interest WHT rate is not 10%, incl. No Limit	Treaties where WHT rate is equal to 10%
			4		
			Where Dividend WHT rate is < 15%		

OECD AND UN MODEL RATES
Article 10- Dividends: OECD Model WHT Rates

The percentages in the OECD Model are (a) 5 per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 25 per cent of the capital of the company paying the dividends; (b) 15 per cent of the gross amount of the dividends in all other cases.

Article 10 - Dividends: UN Model WHT Rates

UN Article 10(2)(a) " ___ per cent of the gross amount of the dividends if the beneficial owner is a company (other than a partnership) which holds directly at least 10 per cent of the capital of the company paying the dividends".

Article 11 - Interest: OECD Model WHT Rates

OECD Article 11(2) "if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed 10 per cent of the gross amount of the interest".

Article 11 - Interest: UN Model WHT Rates

UN Article 11(2) "if the beneficial owner of the interest is a resident of the other Contracting State, the tax so charged shall not exceed ___ per cent (the percentage is to be established through bilateral negotiations) of the gross amount of the interest".

Article 12 - Royalties: OECD Model

OECD Article 12 grants the residence state exclusive taxing rights on royalties, thus there is no WHT rate prescribed for the source state.

Article 12 - Royalties: UN Model WHT Rates

UN Article 12(2) "if the beneficial owner of the royalties is a resident of the other Contracting State, the tax so charged shall not exceed ___ per cent (the percentage is to be established through bilateral negotiations)".

Note: B.O. means Beneficial Ownership